ADDENDUM

KERN COUNTY PLANNING COMMISSION

Board of Supervisors

STAFF REPORT

Date: April 9, 2019

FILE: GPA #9, Map #152; and various others S.D.: #2 - Scrivner

- TITLE: (a) General Plan Amendment Case No. 9, Map No. 152; General Plan Amendment Case No. 1, Map No. 152-28; (b) Amendment of Zoning Map No. 152, Zone Change Case No. 11; Amendment of Zoning Map No. 152, Zone Change Case No. 12; Amendment of Zoning Map No. 152, Zone Change Case No. 13; Amendment of Zoning Map No. 152-28, Zone Change Case No. 1; (c) Conditional Use Permit Case No. 23, Map No. 152; Conditional Use Permit Case No. 24, Map No. 152; Conditional Use Permit Case No. 25, Map No. 152; Conditional Use Permit Case No. 26, Map No. 152; Conditional Use Permit Case No. 3, Map No. 152-28
- **PROPOSAL:** (a) Two amendments to the Circulation Element of the Kern County General Plan to eliminate road reservations along section and midsection lines in Sections 23, 28, 31, 32, 33, 34, and 45, T31SR, R37E, MDB&M in Zone Maps 152 and 152-28; (b) Four changes in zone classifications from A-1 (Limited Agriculture) to A (Exclusive Agriculture), on 265.3 acres; from A-1 MH (Limited Agriculture - Mobilehome Combining) to A, on approximately 81 acres; from PL RS MH (Platted Lands - Residential Suburban Combining - Mobilehome Combining) to A, on approximately 81 acres within Zone Map 152; and from E (20) RS (Estate - 20 acres - Residential Suburban Combining) to A, on approximately 81 acres within Zone Map 152-28 or more restrictive districts; (c) Five Conditional Use Permits (CUPs 23 thru 26, Map 152 and CUP 3, Map 152-28) to allow for construction and operation of a 500-megawatts (MW) solar photovoltaic (PV) electrical generating facility (Section 19.12.030.G) in an A (Exclusive Agriculture) District. The project would be supported by a 230 kilovolt (kV) gen-tie electrical transmission line(s) originating from one or more on-site substation(s) and/or switchyard(s) and terminating at the Los Angeles Department of Water and Power (LADWP), Barren Ridge Substation. The project's permanent facilities would include: service roads, a power collection system, communication cables, overhead and underground transmission lines, electrical switchyards, project substations, and operations and maintenance facilities

APPLICANT: Eland 1 Solar Project by 68SF 8me, LLC (PP18211)

PROJECT SIZE: 2,652.7 acres

- LOCATION: South of Munsey Road, east and west of Neuralia Road, east of State Route (SR) 14, north and south of Phillips Road, in the unincorporated Kern County, southeast of the unincorporated community of Cantil, and immediately north of California City
- SURROUNDING LAND USE/ZONING/GENERAL PLAN DESIGNATION: Site 1: North Largely undeveloped land/A (Exclusive Agriculture)/8.5 (Resource Management); East – Largely undeveloped land/PL RS (Platted Lands - Residential Suburban Combining), PL RS FPS (Platted Lands - Residential Suburban Combining - Floodplain Secondary Combining), and RF (Recreation-Forestry)/1.1 (State and Federal Land), 8.5/2.5 (Resource Management - Flood Hazard); South – Largely undeveloped land/A, A FP (Exclusive Agriculture - Floodplain Combining), and A FPS (Exclusive Agriculture - Floodplain Secondary Combining)/8.5; West – Largely undeveloped land/A and PL RS MH/8.5; Site 2: North – Largely undeveloped land/A and A GH (Exclusive Agriculture - Geologic Hazard Combining)/8.5; East – Largely undeveloped land/A FP/8.5; South – Largely undeveloped land/California City/1.2 (Incorporated City); West – Largely undeveloped land/A, A GH (Exclusive Agriculture - Geologic Hazard Combining), and PL RS MH (Platted Lands - Residential Suburban Combining - Mobilehome Combining)/8.5/2.1 (Resource Management - Seismic Hazard); Site 3: North – Largely undeveloped land and sparse

residential dwellings/PL RS/8.5; <u>East</u> – Largely undeveloped land/A/8.5; <u>South</u> – Largely undeveloped land/PL RS MH/8.5; <u>West</u> – Largely undeveloped land/A-1 (Limited Agriculture) and A-1 MH (Limited Agriculture - Mobilehome Combining)/4.2 (Rural Community); *Site 4:* <u>North</u> – Largely undeveloped land/A, A-1 MH, and PL RS/4.2/8.5; <u>East</u> – Largely undeveloped land/A-1 and A-1 MH/4.2; <u>South</u> – Largely undeveloped land/California City/1.2; <u>West</u> – Largely undeveloped land/A/8.5

PROJECT ANALYSIS: This case was originally scheduled to be considered by your Board on March 26, 2019, to meet one of the four 2019 General Plan Windows in accordance with State law. However, the case was continued until today's hearing to allow adequate time for the Planning Commission to consider this project and make a recommendation to your Board.

The project before your Board is the proposed Eland 1 Solar Project. Implementation of the project would facilitate the development of 500 megawatts (MW) of renewable electrical energy on approximately 2,652 acres of privately-owned land, across 32 parcels. Please see *Table 1* for a listing of project Assessor Parcel Numbers (APNs). The project site is located in unincorporated Kern County, within the boundaries of the Fremont Rural Community Plan and surrounding properties, immediately north of the City limits of California City. Eland 1 Solar Project consists of five (5) individual project sites.

Site	ites- Project Assessor Parcel Number a	Acres
	Zone Map 152	
Site 1		
	469-030-01	647.8
	Site 2	
	330-010-01	642.5
	Site 3	
	470-010-11	119.3
	470-010-12	120.2
	470-312-02	39.8
	470-080-01	39.5
	470-080-02	5.2
	470-080-03	5.1
	470-080-04	10.1
	470-080-05	10.2
	470-080-06	10.3
	470-080-07	5.1
	470-080-08	5.1
	470-080-09	5.1
	470-080-10	10.1
	470-080-11	19.1
	470-080-12	10.0
	470-080-13	20.2
	470-080-14	20.3
	Site 4	
	470-020-08	153.7
	470-321-18	61.4
	470-321-19	60.8
	470-322-14	10.5
	470-330-05	20.2
	470-330-09	9.5
	470-330-11	81.7
	470-330-12	20.7
	470-330-13	79.5
	Zone Map 152-2	
Station and	Site 5	
	470-020-11	81.5
	470-020-12	162.5
	470-020-13	160.6
Total		2,652.7

None of the project parcels are subject to a Williamson Act Land Use Contract and none are located within an area that is designated by the California Department of Conservation (DOC) as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. Portions of Sites 1 and 2 are located within a Federal Emergency Management Area (FEMA) designated Flood Zone "A" area and subject to flooding. No portions of Sites 3, 4, and 5 are located within a FEMA designated flood zone.

The project site consists of undeveloped lands, comprised entirely of privately owned parcels. The project site includes land parcels that have been purchased, leased, or are in the process of purchase or lease acquisition by the applicant. There are several existing and permitted solar energy, wind energy and transmission projects in the region.

The nearest residential structures to the project are located adjacent to Site 5.

Proposal

The applicant is requesting approval of the following:

(a) Changes in zone classification from the existing zone district A-1 (Limited Agriculture) to A (Exclusive Agriculture) on approximately 265.3 acres of the project site within Zone Map 152, from the existing zone district A-1 MH (Mobilehome Combining) to A on 81.7 acres of the project site within Zone Map 152, from the existing zone district E (20) RS (Estate - 20 acres - Residential Suburban Combining) to A on 81.5 acres of the project site within Zone Map 152-28, from the existing zone district PL RS MH (Platted Lands) to A on 81.4 acres of the project site within Zone Map 152; as shown below on *Table 2*:

Site	APN	Existing Zoning	Proposed Zoning	Acres
		Zone Map 152		
Site 1				177.2
	469-030-01	A, A FP	N/A	647.8
Site 2				
	330-010-01	A, A FP	N/A	642.5
Site 3				
	470-010-11	A	N/A	119.3
	470-010-12	A	N/A	120.2
	470-312-01	A-1	A	39.8
	470-312-02	A-1	A	39.5
	470-080-01	PL RS MH	A	5.2
	470-080-02	PL RS MH	A	5.1
	470-080-03	PL RS MH	A	10.1
	470-080-04	PL RS MH	A	10.2
	470-080-05	PL RS MH	A	10.3
	470-080-06	PL RS MH	A	5.1
	470-080-07	PL RS MH	A	5.1
	470-080-08	PL RS MH	A	5.1
	470-080-09	PL RS MH	A	5.1
	470-080-10	PL RS MH	A	10.1
	470-080-11	A	N/A	19.1
	470-080-12	PL RS MH	A	10.0
	470-080-13	A	N/A	20.2
	470-080-14	A	N/A	20.3
Site 4				
	470-020-08	A	N/A	153.7
	470-321-18	A-1	A	61.4
	470-321-19	A-1	A	60.8
	470-322-14	A-1	A	10.5
	470-330-05	A	N/A	20.2
	470-330-09	A-1	A	9.5

	470-330-11	A-1 MH	A	81.7
	470-330-12	A-1	А	20.7
	470-330-13	A	N/A	79.5
		Zone Map 152-28		
Site 5		Statistic Statistics	n de chile au	
	470-020-11	E(20) RS	A	81.5
	470-020-12	A-1	А	162.5
	470-020-13	A-1	А	160.6
Total				2,652.7

- (b) Five (5) conditional use permits to allow for the construction and operation of the following solar photovoltaic (PV) power-generating facilities (Section 12.19.030.G) in the A District.
- (c) Amendments to the Circulation Element of the Kern County General Plan to remove sections and midsection line reservations for future road reservations, recommended by Staff.

The applicant wishes to amend the circulation element of the General Plan to allow solar panels to be placed throughout the parcels without internal setback requirements.

Project Characteristics

The proposed project facilities at the site would include: (1) solar modules; (2) inverters stations; (3) energy storage systems; (4) substation; (5) transmission line; and (6) on-site operations and maintenance buildings; (7) fencing designed to comply with wildlife agency requirements; and (8) lighting.

Solar Modules

The proposed solar facility include a series of fixed-tilt or tracker PV solar panels and the related infrastructure; including: inverters, transformers, circuit breakers, metering equipment, switchgear, protective relays, larger transformers to step up the voltage to match the voltage of the transmission grid at the interconnection point, transmission lines, battery storage, substations, telecommunications equipment, as well as meteorological data collection systems or supervisory control and data acquisition (SCADA); to track insolation temperature, wind direction, and speed.

Transmission

Power generated by the proposed project would be delivered from the project site via an up to 230 kV overhead and/or underground electrical transmission line(s) (gen-tie) originating from one (1) or more onsite substation(s)/switchyard(s) on the project site. The transmission line would extend up to 11.5 miles, originating at the on-site substation, proceeding along one (1) of the gen-tie route alternatives' and terminating at either the Los Angeles Department of Water and Power (LADWP) Beacon Substation or the LADWP Barren Ridge Substation.

Energy Storage System

The proposed project may include one or more energy storage systems (ESS), located at or near a substation (on-site or shared) and/or at the inverter stations. Such large-scale ESSs would consist of modular and scalable battery packs and battery control systems that conform to U.S. National Safety Standards. The ESS modules, which may include commercially available flow batteries, typically consist of standard International Organization for Standardization (ISO) containers (approximately 40 feet in length by 8 feet in width by 8 feet in height) housed in pad- or postmounted, stackable metal structures, but may also be housed in a dedicated building in compliance with applicable regulations. The maximum height of a dedicated structure is not expected to exceed 25 feet.

<u>Access</u>

The project site is currently accessible by major highways (primarily State Route (SR) 14 and SR 58) and smaller local roads that are both paved and unpaved. No roadways would be affected by the proposed project, except during the proposed project's construction period. Construction traffic would access the project site from Philips Road, Gantt Road, and Neuralia Road.

Operations and Maintenance Building

The proposed project may include an operations and maintenance (O&M) building of approximately 40 feet by 80 feet in size, with associated onsite parking. The O&M building may include the following: office, repair building/parts storage, control room, restroom, and septic tank and leach field.

Water Usage

Water demand for panel washing and O&M domestic use is not expected to exceed 50 acre feet per year. Water usage during construction, primarily for dust-suppression purposes, is not expected to exceed 400 acre feet. Water is anticipated to be obtained from an existing on-site well within Site 5. Alternatively, water may be obtained from one or more new on-site well(s) or one or more off-site source(s) and delivered to the project site via truck. If the applicant determines that off-site water would be used, the applicant would submit a "will serve" letter from the proposed off-site water purveyor(s).

Work Force

Once the project is constructed, maintenance would generally be limited to the following: cleaning of PV panels, monitoring electricity generation, providing site security, and facility maintenance. It is expected that the proposed project would require up to five full-time employees. It is possible that the proposed project would share O&M, substation, and/or transmission facilities with one or more nearby projects. In such a scenario, the projects would share personnel, thereby potentially reducing the proposed project's on-site staff. The solar facility would operate seven (7) days a week, 24 hours a day, generating electricity during normal daylight hours when the solar energy is available. Maintenance activities may occur seven (7) days a week, 24 hours a day to ensure PV panel output when solar energy is available.

Project History

On October 30, 2012, your Board certified the Beacon Photovoltaic Final EIR and approved the original Beacon Project, which consisted of Conditional Use Permit No. 11, Map No. 152. The approved project included the construction and operation of a solar facility capable of generating up to 250 MW of electricity on 2,298 acres. The original Beacon Project also included a three- (3-) mile transmission line to connect the solar facility to the existing Barren Ridge Substation.

In 2013, subsequent applications for three (3) individual conditional use permits (CUPs) were filed with the County to allow the construction and operation of two (2) additional solar facility sites in proximity to the original Beacon Project. The CUPs were for the 345-acre Oryx Solar Farm and 951-acre Springbok Solar Farm I. These two (2) additional solar facility sites were analyzed in the Addendum to the Beacon Photovoltaic Solar Project Final Environmental Impact Report (EIR) prepared in November 2013, which was adopted by your Board in early 2014.

In 2018, the applicant submitted applications for five (5) individual CUPs to allow the construction and operation of five (5) additional solar facility sites in proximity to the Original Beacon Project and its Addendums. The Kern County Planning and Natural Resources Department, as Lead Agency (per *California Environmental Quality Act (CEQA) Guidelines* Section 15052), determined a Supplemental EIR must be prepared for the proposed project pursuant to Sections 15162 and 15163 of the *CEQA Guidelines*.

Final Supplemental Environmental Impact Report

A Supplemental Environmental Impact Report (SEIR) was prepared for this project in accordance with the California Environmental Quality Act (CEQA) Guidelines. As required by CEQA, the SEIR includes appropriate review, analysis, and mitigation measures for the environmental impacts of the proposed project. This Final SEIR could be utilized by other permitting agencies in their capacity as Responsible and Trustee agencies under CEQA. As required by Departmental procedures for processing of an SEIR, an indemnification agreement has been executed by the applicant.

To initiate the SEIR process, a Notice of Preparation/Initial Study (State Clearinghouse No. 2012011029) was circulated for a 30-day public review period beginning on July 19, 2018, and ended on August 20, 2018. A scoping meeting was noticed and held August 8, 2018, at the Kern County Public Services Building, 2700 "M" Street, Suite 100 in Bakersfield, California. Twelve (12) comment letters were received during the Notice of Preparation/Initial Study 30-day public review period. As required by Section 15088 of the State CEQA Guidelines, responses to these comments were prepared and provided to the agencies and interested parties that submitted return addresses, ten (10) days prior to the Planning Commission hearing.

Based on the analysis contained in the Initial Study and comments received in response to the Notice of Preparation, a Draft SEIR was prepared and circulated for a 45-day public review period beginning on December 8, 2018, and ending on January 22, 2018. In total, over 180 copies of the Draft SEIR were distributed, in addition to 903 Notices of Availability. The Draft SEIR was also available on the Kern County Planning and Natural Resources Department's webpage. Eight (8) written comments from individuals or agencies/organizations were received on the Draft SEIR during this public review period. As required by Section 15088 of the State CEQA Guidelines, responses to these comments were prepared and provided to the agencies and interested parties that submitted return addresses. The Response to Comments was circulated ten (10) days before this hearing.

In accordance with State CEQA Guidelines, a Final SEIR has been completed comprised of three (3) documents:

- Volume 1 Chapters 1 through 10 of Draft SEIR (December 2018)
- Volume 2 Appendices A P of Draft SEIR (December 2018)
- Volume 3 Chapter 7, Response to Comments (March 2019)

These documents have been provided to your Board for your review and consideration. A complete copy of the SEIR along with proposed ordinance are also available on the Kern County Planning and Natural Resources Department website at the following link: https://kernplanning.com/environmental-doc/eland-1-solar-project/

The Final SEIR contains 60 mitigation measure to reduce significant impacts from the project, and a Mitigation Measure Monitoring Program (Exhibit C) has been included for your review, and is attached to this staff report.

Effects Found to Have No Impact

Based on the findings of the Notice of Preparation/Initial Study and the results of scoping process, the proposed project was determined to have no impact with regard to the following impact thresholds, and the categories were therefore not analyzed in the SEIR prepared for the project:

- Agriculture and Forest Resources
- Mineral Resources
- Population and Housing
- Recreation

Less than Significant Impacts (Including Significant Impacts That Can Be Mitigated, Avoided, or Substantially Lessened)

The prepared Draft SEIR addresses all potentially significant environmental impacts that Kern County identified during the Notice of Preparation and scoping process. After further study and environmental review in the Draft SEIR, it was determined that certain impact thresholds could be reduced to a less than significant level with the incorporation of mitigation measure:

- Biological Resources (Project)
- Cultural Resources (Project and Cumulative)
- Geology and Soils (Project and Cumulative)

GPA #9, Map #152; and various others T: 03/26/19 - H: 04/09/19

- Greenhouse Gas Emissions (Project and Cumulative)
- Hazards and Hazardous Materials (Project and Cumulative)
- Hydrology and Water Quality (Project and Cumulative)
- Land Use and Planning (Project and Cumulative)
- Noise (Project)
- Public Services (Project and Cumulative)
- Transportation and Traffic (Project and Cumulative)
- Utilities and Service Systems (Project and Cumulative)

Significant and Unavoidable Impacts

Significant and Unavoidable Project Impacts

Section 15126.2(b) of the State CEQA Guidelines requires that an EIR describe any significant impacts, including those that can be mitigated but not reduced to less than significant. After study and environmental review in the SEIR, it was determined that certain impact thresholds would have significant and unavoidable impacts after the project complies with all regulatory, statutory, and feasible and reasonable mitigation measure. Those specific impacts that would have significant and unavoidable impacts after mitigation are identified below:

• Aesthetics

Significant and Unavoidable Cumulative Impacts

According to Section 15355 of the State CEQA Guidelines, the term cumulative impacts "...refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." Individual effects that may contribute to a cumulative impact may be from a single project or a number of separate projects. Individually, the impacts of a project may be relatively minor, however, when considered along with impacts of other closely related or nearby projects, including newly proposed projects, the effects could be cumulatively significant. A list of projects used in the cumulative analysis is included in Chapter 3, Project Description, and a full discussion of all cumulative impacts for each impact is contained in Chapter 4. The SEIR determined the following impacts on the projects were determined to have a significant and unavoidable cumulative impact that cannot be avoided after all regulatory, statutory, and feasible and reasonable mitigation measures

- Aesthetics
- Air Quality
- Biological Resources

Resources	Project Impacts	Cumulative Impacts
Aesthetics	The project would have a substantial adverse effect on scenic vistas and degrade the existing visual character or quality of the site and its surroundings. Even after implementation of MM 4.1-1 through MM 4.1-3, impacts are considered significant and unavoidable.	The project would have significant and unavoidable impacts related to aesthetics after implementation of mitigation. The conversion of thousands of acres in a presently rural area to solar energy production uses cannot be mitigated and is considered significant and unavoidable impact.
Air Quality	Construction activities on each of the project sites would result in the emission of criteria pollutants. MM 4.2-1 through MM 4.2-5 would reduce project-level impacts to less than significant.	Construction and operation of the proposed project with other cumulative projects would result in a net increase of any criteria pollutant for which the project region is nonattainment under applicable federal or State ambient air quality standards (including releasing emissions that exceed quantitative thresholds for ozone precursors. This is considered a significant and unavoidable cumulative impact.

Table 2. Summary of Significant and Unavoidable Impacts of the Proposed Project

Resources	Project Impacts	Cumulative Impacts
Biological	The project would result in impacts to a	As development increases within Kern County,
Resources	variety of protected wildlife and plant species. However, implementation of	impacts to biological resources within the region are increasing on a cumulative level. When
	MM 4.3-1 through MM 4.3-24 would reduce	considered with other past, present, and
	project-level impacts to less than	probable future projects, which encompasses the
	significant levels.	Antelope Valley and the Fremont Valley in the
e		western Mojave Desert as well as part of the
		Tehachapi Range to the west, the project would
		have a considerable incremental contribution to
		a significant cumulative loss of low-quality
		foraging habitat for golden eagles and other
		special-status raptors, as well as the loss of
		existing and potential transient wildlife habitat
		and foraging opportunities for species that
		currently utilize the project area. This is
		considered a significant and unavoidable
		cumulative impact.

Table 2. Summary of Significant and Unavoidable Impacts of the Proposed Project

Aesthetics

Impacts to visual character of the project site and surrounding area were analyzed in Section 4.1 - *Aesthetics* found on Pages 4.1-1 through 4.1-21 of the SEIR. Although the proposed project is generally well suited for renewable energy generation and low impacts on neighboring land uses, the industrial nature of the facilities, when introduced into the view shed of the site, would substantially change the existing visual character of the landscape around the site for the life of the project when viewed from sensitive receptors. The project would have a significant impact on adjacent scenery by replacing more than 1,000 acres of rural land with mechanical equipment associated with solar energy generation. Additionally, by substantially modifying views in area that are currently defined largely by agricultural and undeveloped residentially zoned lands, cultural modifications would be introduced that would be incompatible or would promote disharmony with the existing landscape.

There are no criteria in either the State or County regulations for measuring aesthetic impacts. This issue is viewed differently by various members of the community. Some citizens would describe the visual loss of open space to development as a significant impact. Others may view well designed landscaped development as aesthetically pleasing comparable to the qualities of expanses of agricultural land and open space. The proposed project would represent a change in visual character of the project site from a natural state to one with human-made development. The proposed project would result in a significant and unavoidable impact on the existing visual character of the project site and its surroundings because it would introduce an industrial element into a predominantly rural, agricultural, open landscape.

Mitigation measures would be incorporated to reduce the severity of aesthetic impacts near the project site. MM 4.1-1 would reduce impacts of trash and debris on the site by the implementation of a Maintenance and Trash Abatement/Pest Management Program. MM 4.1-2 and MM 4.1-3 would be incorporated to soften the visual impacts of project equipment by installing view-screening materials in fencing in selected areas and requiring landscaping where the project borders residential zones. MM 4.1-4 through MM 4.1-6 would reduce impacts from light trespass, glare, and reflective equipment. However, because there are no feasible mitigation measures that could be implemented to preserve the existing rural undeveloped residential and agricultural landscape character at the project site while at the same time developing a solar energy facility, project specific impacts on visual resources would remain significant and unavoidable despite implementation of these mitigation measures

Other solar projects in the region have also be required to implement similar mitigation measures to reduce impacts. However, the conversion of thousands of acres in a presently rural area to solar energy production uses cannot be mitigated to a degree where impacts would be less than

significant. Following implementation of MM 4.1-1 through MM 4.1-6, cumulative impacts associated with aesthetics would remain significant and unavoidable.

Air Quality

The project is located in the Mojave Desert Air Basin and is under the jurisdiction of the Eastern Kern Air Pollution Control District (EKAPCD). In accordance with Kern County's *Guidelines for Preparing an Air Quality Assessment for Use in Environmental Impact Reports*, geographic scope for cumulative air quality impacts includes projects within one- (1-) and six- (6-) mile radius of the various project sites, as well as similar solar projects located in the Desert region of Kern County, as presented in the Air Quality Impacts Analyses prepared for the site.

As noted in the Draft SEIR Section 4.3 - *Air Quality*, found on Pages 4.2-1 through 4.2-16 of the SEIR, construction of the proposed project would result in emissions of the air pollutants ROG, NO_x, CO, PM10, and PM2.5. Emissions from construction would result from fuel combustion and exhaust from construction equipment; as well as vehicle traffic, grading, and the use of toxic materials (e.g., paints and lubricants). Emissions estimates were based on assumptions in the air quality impact analyses for the project site (see Draft SEIR Appendix D).

Once operational, emissions would be limited to maintenance activities and a small number of employee vehicle trips, and operational emissions would be well below EKAPCD thresholds adopted by Kern County.

Staff notes significant cumulative impacts from the proposed project in conjunction with nearby, reasonably foreseeable planned solar projects could occur only during temporary project construction activities. After that, there would be minimal emissions impacts during operation of the proposed project. Based on the project level analysis in the Draft SEIR, the operational emissions associated with the project would be negligible compared to total projected emissions for Kern County and the Mojave Desert Air Basin (MDAB) and appropriately off set through implementation of EKAPCD requirements. Operation of the project could not result in a cumulatively considerable net increase of any criteria pollutant for which the project is in nonattainment, and cumulative operational impacts would be less than significant.

All solar projects are required by the EKAPCD regulations to implement emission control measures to comply with EKAPD Rules 401 and 402 which deal with visible emissions and fugitive dust, respectively. Implementation of MM 4.2-1 through MM 4.2-2 would ensure that all reasonably available and feasible air quality control measures would be implemented during construction. This is in addition to imposition of all the EKAPCD's rules and regulations. Despite the reduction in impacts on air quality achievable through implementation of these mitigation measures, the cumulative temporary construction impacts on air quality, as described and evaluated against the background of the serious existing conditions of the air basin, would remain cumulatively significant and unavoidable.

In summary, significant cumulative impacts from the proposed project as a whole, when considered with nearby, reasonably foreseeable planned projects, would potentially occur only during facility construction, as the majority of the proposed project emissions would occur during a similar timeframe.

Biological Resources

The Final SEIR described the impacts on biological resources that would result from implementation of the proposed project and identified mitigation measures that would reduce these impacts.

The approximately 2,652.7-acre proposed solar facility and surrounding areas are primarily undeveloped lands used for agricultural activities (sheep and cattle grazing) and previously disturbed open space. The project site is relatively flat, with elevations ranging from 2,120 feet above mean sea level (AMSL) to 2,420 feet AMSL. Numerous ephemeral drainages cross the

project site, draining from the southwest to the northeast, eventually reaching Koehn Dry Lake located to the northeast of the project site.

Five (5) plant communities were characterized and mapped within the project site: Mojave creosote bush scrub, scale broom scrub, allscale scrub, shrubland alliance, and alkali barley fields. Three (3) ephemeral drainages were identified and delineated in the project site. Numerous ephemeral drainages cross the project site, draining from the southwest to the northeast, eventually reaching Koehn Dry Lake located to the northeast of the project site. (Appendix E of the Draft SEIR)

With the implementation of mitigation measures for avoidance and minimization to biological resources, such impacts will be reduced to a less than significant impact. MM 4.3-1 would require the processing and acquisition (if necessary) of a Section 2081 Incidental Take Permit (ITP) from the California Department of Fish and Wildlife (CDFW). MM 4.3-2 would minimize construction impacts by requiring training of construction personnel in identification and avoidance of special-status species. MM 4.3-3 requires construction worker environmental awareness training and education covering reporting requirements, specific measures to employ avid take of wildlife species and penalties for violation of Federal Endangered Species Act or California Endangered Species Act to promote avoidance and protective measures to minimize construction impacts on special-status species. MM 4.3-4 through MM 4.3-24 would minimize impacts to the Desert tortoise, burrowing owl, nesting birds and raptors, American badger, and Desert kit foxes. These mitigation measures, along with best management practices, would reduce impacts to special-status wildlife species as a result of the project to a less than significant level. Additionally, MM 4.1-3(b) includes the application of native seed mix of grass to areas under the solar panels once installation is completed, to promote revegetation of the site. This would offer potential resources to wildlife in the area, as well as reduce fugitive dust emissions.

As noted in Draft SEIR Chapter 3, Project Description, found on Pages 3-1 through 3-22 of the EIR, a number of other large projects may be developed in the bioregion surrounding the project site in the future, including solar energy projects. When combined with cumulative impacts from past, present, and reasonably foreseeable future projects, including comparable renewable energy projects proposed for construction in Kern County and Los Angeles County, the proposed project's incremental contribution to the loss and/or fragmentation of a substantial fraction of the existing wildlife habitat in the County would be cumulatively significant and unavoidable for loss of foregoing habitat.

With the implementation of MM 4.3-1 through MM 4.3-24, impacts on special-status species would be less than significant for the construction and operational periods, but remain cumulatively significant and unavoidable.

Applicant's Project Objectives

To meet the primary purpose of the proposed project, the project proponents have identified the following objectives:

- Construct and operate a solar energy facility capable of producing up to 500 MW of electricity to assist the State of California in achieving its 50 percent renewable portfolio standard by 2030.
- To provide energy to the electric grid to meet increasing demand for in-State generation.
- To facilitate enhanced grid operation by constructing and operating a solar energy generation facility coupled with energy storage systems.
- Integrate operating facilities with other existing solar projects in the vicinity to maximize economics of scale.
- To promote economic development and bring living-wage jobs to the region throughout the life of the proposed project

Alternatives

Section 15126.6 of the CEQA Guidelines states an EIR must address "a range of reasonable alternatives to the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternative." The alternatives to be considered should include those that offer substantial environmental advantages over the proposed project and that may feasibly be accomplished considering the various economic, environmental, social, technological, and legal factors.

In order to meet the requirements of Section 15126.6, the SEIR considered a total of three (3) project alternatives. This reasonable range of alternatives provides the decision-makers with enough variation to support informed decision making.

Alternatives Analyzed in the SEIR

Three (3) alternatives, as listed below, were identified that could avoid or lessen significant effects of the project and could feasibly attain project objectives, and these were analyzed in greater detail.

The SEIR, Volume 1 – Chapter 6 discusses four (4) analyzed alternatives to the project.

Alternative 1:	No-Project/No-Build Alternative
Alternative 2:	Reduce Site Acreage Alternative
Alternative 3:	Alternative Development Configuration

The discussion in the Final SEIR presents a description of each alternative and focuses on the degree to which the identified alternative might accomplish the project objectives and would reduce one (1) or more of the identified significant impacts to aesthetics, air quality, and biological resources, as well as other impacts.

Environmentally Superior Alternative

An EIR must identify the Environmentally Superior alternative to the proposed project. Alternative 1, the No-Project/No-Build alternative, would be Environmentally Superior to the proposed project on the basis of its minimization or avoidance of physical environmental impacts. Section 15126.6(e)(2) of the State CEQA Guidelines states that if the No-Project alternative is found to be environmentally superior, "the EIR shall also identify an Environmentally Superior alternative among the other alternatives." Alternative 3 would result in fewer impacts to aesthetics, biological resources, cultural resources, and traffic and transportation. However, due to the proximity of the alternative to the Fremont rural community on three sides, Alternative 3 could have greater noise and air quality impacts to sensitive receptors during construction compared to the proposed project.

Alternative 2 would result in fewer impacts to aesthetics, air quality (construction period/short-term), biological resources, cultural resources, noise, and traffic and transportation compared to the proposed project. Furthermore, Alternative 2 would not result in greater impacts than the corresponding impacts of the proposed project. Therefore, Alternative 2 is considered the Environmentally Superior alternative.

Public Comments on the Draft EIR – Response to Comments

Staff received eight (8) comment letters on the Draft SEIR from federal, State, local agencies, and interested parties. These comments and responses have been provided to your Board as Volume 3, *Chapter 7 - Response to Comments*, of the Final SEIR. A complete list of names of each commenter is provided on Page 7-11 of the Final SEIR and each of the commenter's concerns are addressed individually in the Response to Comments. Below is a summary of the comments/concerns. These proposed changes are considered minor and do not change any conclusions identified in the analysis. Under CEQA Section 15088.5(b), these minor changes in language are considered

insignificant modifications that amplify or clarify, and do not add substantive new information. Therefore, recirculation of the Draft SEIR is not warranted.

Eight (8) letters were received from State and local agencies regarding the project. The following is a summary of the main items identified during circulation of the environmental document.

1. California State Department of Transportation (Caltrans) - District 9 (January 3, 2019). Caltrans submitted comments indicating the Transportation and Traffic section of the Draft SEIR does not adequately assess construction phase impacts at the two (2) State Route (SR) 14 access points – Philips Road and Redrock-Randsburg Road (via Neuralia Road). The comment further notes that the Level of Service (LOS) metric does not fully evaluate construction traffic with through-travelers and that speed differentials, queuing, median width for storage, etc. should be examined. Any improvements within the SR 14 right-of-way should be constructed to Caltrans standards, under an encroachment permit.

In response, Staff notes analysis was performed for the two (2) access points from SR 14 where construction vehicles would access the project site, a summary of analysis can be found on Page 7-13 of Volume 3 - *Chapter 7 - Response to Comments*. Additionally, the analysis indicates that the project would not result in significant impacts to the Phillips Road (off of SR 14) access point or the Redrock-Randsburg Road (via Neuralia Road) (off of SR 14) access point with respect to intersection LOS, speed differentials, vehicle queuing, and median width, and storage. MM 4.13-1 requires the preparation and submittal of a Construction Traffic Control Plan to the Kern County Works Department - Development Review Department prior to the issuance of construction or building permits. If traffic issues arise during construction, adjustments to the Construction Traffic Control Plan will be coordinated with the Development Review Department and Caltrans.

The commenter indicated that the project's potential gen-tie routes cross SR 14, and as such, installation and maintenance of utilities must be per Caltrans standards under permit. Additionally, the commenter states that any traffic control, as appropriately noted under MM 4.13-1, in SR 14 right-of-way would need to be covered by a permit. On both on these comments, Staff acknowledges encroachment into Caltrans right-of-way for construction access and installation of facilities is subject to approval by Caltrans of an encroachment permit, and that activities within Caltrans right-of-way is subject to construction/installation and maintenance standards. MM 4.13-1 of the Draft SEIR requires that prior to the issuance of construction or building permits, the project operator shall prepare and submit for approval to Kern County Works Department - Development Review Department and the Caltrans - District 9 office a Construction Traffic Control Plan. As required by MM 4.13-1, the Construction Traffic Control Devices and Work Area Traffic Control Handbook.

2. California Water Board, Lahontan Regional Water Quality Control Board (LRWQCB) (December 14, 2018). The LRWQCB provided the following recommendations: (1) natural drainage channels and flow paths be maintained through the project site to ensure no let loss of function and value of waters of the State; and (2) a Stormwater Pollution Prevention Plan (SWPPP) be prepared that identifies a combination of sediment and erosion control and best management practices (BMPSs) to treat stormwater runoff. In response, Staff notes the proposed project site plans would be designed to avoid the main natural drainage features identified on the project site to the extent practicable. As described in the Draft SEIR, MM 4.3-21 requires that if CDFW jurisdictional areas are impacted by the project, a Section 1600 Streambed Alteration Agreement would be obtained prior to ground disturbance activities that directly impact State jurisdictional areas. In addition, implementation of MM 4.3-22 would ensure that direct or indirect effects to jurisdictional waters are minimized.

In regards to the SWPPP, Staff notes that as part of the NPDES program, the project operator would be required to develop a SWPPP, which would include BMPs to be implemented to prevent soil erosion and discharge of other construction-related pollutants that could contaminate nearby drainages. In addition, prior to the commencement of construction

activities, the project operator would be required to adhere to the requirements of the Kern County Grading Ordinance. Further, MM 4.8-1 requires that prior to issuance of a grading permit, the project operator shall submit a Stormwater Pollution Prevention Plan and applicable permits shall be obtained from the LRWQCB for the project to the Kern County Planning and Natural Resources Department that specifies BMPs to prevent all construction pollutants from contacting stormwater, with the intent of keeping sedimentation or any other pollutants from moving off-site and into receiving waters.

The commenter, recommends the SEIR identify post-construction stormwater management as a significant project component. The commenter notes that maintaining native vegetation is the most efficient and cost effective post-construction BMPs to treat stormwater runoff and should be evaluated as part of the project.

Staff recognizes that maintaining native vegetation (rather than clearing and grubbing) can be a cost-effective and efficient BMPs. The maintenance of existing vegetation will be considered as a potential BMPs by the project Applicant when preparing the project- and site-specific SWPPPs. As a result, MM 4.8-1 had been modified as shown on Page 7-22 of *Volume 3 - Chapter 7- Response to Comments*. Additionally, MM 4.7-2 has been modified to include a statement that the use of herbicides will not be used in the waterways on the project site.

3. Eastern Kern Air Pollution Control District (EKAPCD) (January 7, 2019). The District notes the SEIR correctly identifies that commercial solar power generation facilities are required to submit the following three (3) items to the EKAPCD prior to construction: a Fugitive Dust Emission Control Plan, a Fugitive Dust Monitoring Plan, and an application for an Authority to Construct. However, the comment notes that Section 3.3 of Appendix D of the Draft SEIR does not contain the correct definition for a "large operation" under District Rule 402 (Fugitive Dust), which includes any construction activity on any site involving ten (10) or more contiguous acres of disturbed area; any earthmoving activity exceeding a daily volume of 10,000 cubic yards; or relocating more than 2,500 cubic yards of bulk materials at least three (3) days per year. The comment requests Section 3.3 of Appendix D of the Draft SEIR be revised to correctly identify the definitions and requirements of District Rule 402 (Fugitive Dust).

In response, Staff notes as described on Draft SEIR Page 4.2-13, the proposed project would be required to implement modified MM 4.2-1. As such, the proposed project would be subject to EKAPCD Rule 402 as adopted in its current form during construction, which is intended to reduce PM10 fugitive dust emissions through implementation of standard dust control measures, including use of dust suppressants and control of vehicle speed on unpaved roads.

4. Kern County Public Works Department - Building and Development Division (December 17, 2018). The commenter requests the project coordinate construction traffic with neighboring projects to avoid possible conflicts during the project construction phases. In response, Staff notes the proposed project's construction and operation traffic would not exceed Kern County LOS thresholds, and the project would be in compliance with established Kern County General Plan LOS Standards. Furthermore, with implementation of MM 4.13-1, the traffic created by the proposed project during the construction phase would not be expected to result in a substantial increase in congestion and impacts would be less than significant. In response to this comment, MM 4.13-1 has been modified to include the provision to "coordinate construction traffic to avoid possible conflicts during the project construction phases."

The commenter requests additional information regarding the Traffic Control Plan, the secured agreement with the Kern County Public Works Department and Encroachment Permits. Staff notes MM 4.13-1, requires the project proponent to develop a Traffic Control Plan and requires an encroachment permit.

5. Kern County Public Works Department - Floodplain Management Section (December 18, 2018). The commenter notes that the runoff of stormwater from the site would increase due to the increase in impervious surface generated by the proposed project and requested that certain Conditions of Approval be included for the project. Staff notes the conditions have been added as proposed by the commenter. Additionally, as described on Draft SEIR Page 4.8-5, the site engineering and design plans for the proposed project must comply with the requirements of the Kern County Code of Building Regulations, as well as with Kern County Development Standards and the Floodplain Management Ordinance.

Furthermore, in order to ensure that the disposal of drainage waters originating on site and from adjacent road rights-of-way is addressed, MMK 4.8-2 has been modified, as shown on the attached MMRP.

6. Mojave Air and Space Port (MASP)(January 15, 2019). The MASP provided comments regarding their concerns associated with the location and height of the overhead transmission lines and the project's potential to create electronic interference that could affect aircraft operations. Additionally, the commenter noted that while the SEIR states the proposed project facilities would be located outside areas identified in the Kern County Airport Land Use Compatibility Plan (ALUCP), the project transmission lines have the potential to affect areas within designated airport Sphere of Influence (SOI) areas identified in the ALUCP. The comment also noted that in the past, transmission lines with 200-foot-tall towers associated with the Beacon Project were constructed off the end of Runway 12, which poses a hazard to flight test, general aviation operations, and helicopter operations. In response, Staff notes the Draft SEIR is correct in identifying that no portion of the project is located within a designated airport SOI area as established in the adopted Airport Land Use Compatibility Plan. In regards to the transmission lines, Staff notes that only one (1) of the alternative gen-tie routes would be constructed for the proposed project. The gen-tie route would ultimately depend on the point of interconnection selected for the proposed project, which would either be the LADWP Barren Ridge Substation or the LADWP Beacon Substation. Furthermore, transmission structures associated with the gen-tie would generally range between 90 to 150 feet above ground level.

The commenter requests that the SEIR be revised to identify the location of the proposed overhead transmission lines associated with each stage of the Beacon Project that will be constructed and their location relative to airport SOI areas and protected airspace. Staff notes, the closest component of the project is located approximately nine (9) miles north of the Mojave Air and Space Port.

Additionally, the commenter also requests additional mitigation measures requiring project consultation with Kern County and MASP staff regarding allowable heights and placement of overhead transmission lines. In response, Staff notes that MM 4.9-2 has been modified, as shown on Page 7-6 of *Volume 3 - Chapter 7 - Response to Comments.*

7. California State Department of Fish and Wildlife (CDFW) (January 17, 2019). The comment states the conflicting determinations provided by the Draft SEIR regarding impacts to cumulative Biological Resources and requests that the conflicting determinations are reconciled in the Final SEIR. In response, Staff notes the conclusions of the Draft SEIR are that: (1) no significant project-level unavoidable impact has been identified to biological resources as a result of implementation of the proposed project; and (2) the project's contribution to the cumulative impact to biological resources would be cumulatively considerable. The conclusion of the project's contribution to a cumulatively considerable impact is specifically related to a cumulative loss of low-quality foraging habitat for golden eagles and other special-status raptors, and the loss of habitat for primarily transient species that may utilize habitat at the project area.

With implementation of MM 4.3-1 through MM 4.3-23, the impact of the proposed project to biological resources would be less than significant. Draft SEIR Table 1-3 erroneously lists "Biological Resources (Cumulative)" within this section of the Draft SEIR. Draft SEIR Table 1-3 is intended to list only project level significant unavoidable impacts (listed within

the heading "Project-Level Significant and Unavoidable Impacts." Table 1-3 has been modified, as shown on Page 7-2 of Volume 3 - *Chapter 7 - Response to Comments*.

Additionally, for clarification of the conclusion regarding cumulative impacts, as stated in Draft SEIR, Section 4.3, *Biological Resources*, within the regional context and when considered with other past, present, and reasonably foreseeable future projects as listed in Beacon Final EIR Table 3-4 (incorporated by reference in the Draft SEIR), which encompasses the Antelope Valley and the Fremont Valley in the western Mojave Desert, as well as part of the Tehachapi Range to the west, the project would have an incremental contribution to a cumulative loss of low-quality foraging habitat for golden eagles and other special-status raptors, as well as the loss of existing and potential transient wildlife habitat and foraging opportunities for species that currently utilize the project area, even with the implementation of mitigation measures including avoidance, minimization, and compensation.

CDFW also provided comments, regarding the results of the Mohave ground squirrel (MGS) habitat assessment conducted by Phil Leitner in 2017. The comment clarifies that, while the project site may not support resident populations of MGS, that does not mean that implementation of the project will not engage in take of at least one individual of the species (Fish and Game Code Section 86). CDFW encourages the inclusion of a discussion of the project's potential to significantly impact MGS and recommends that the SEIR proposes appropriate avoidance, minimization and mitigation measures to address this potentially significant impact.

In response, Staff notes the Draft SEIR indicates absence of the Mohave ground squirrel based on the specific project site habitat assessment. However, as also identified, Tables 4.3-2a and 4.3-2b list the MGS as having the potential to occur on the project site. Therefore, although the findings of the MGS habitat assessment regarding the presence/absence of resident specifies of MGS are reported for the proposed project as negative, the Draft SEIR also identifies the potential for migratory MGS. Specific mitigation measures are required to be implemented to address (i.e., mitigate for) potential direct and/or indirect impacts to MGS if detected on site. The project applicant has been working with CDFW since March 2018, on developing an MGS survey protocol for the project sites (i.e., Sites 1 through 5 where the solar facility would be developed) and plans to conduct MGS presence/absence surveys this Spring 2019. If MGS are detected on a site during the surveys, then the applicant would seek an ITP from CDFW for the particular site or portions of the site where MGS were detected. For the off-site gen-tie line, the applicant will assume presence of MGS and obtain an ITP. MM 4.3-1 has been modified to clarify the requirements for both the project Sites and off-site gen-tie, as shown on Pages 7-2 and 7-3 of Volume 3 - *Chapter 7 - Response to Comments*.

The commenter described the issue CDFW has with the Draft SEIR's discussion of Desert tortoises and asserted that there is potential for the project site to support populations of Desert tortoise based on desert tortoise signs found on and/or adjacent to the project. The comment suggested incorporating discussion of this potentially significant impact that may result from project-related activities on Desert tortoise and provides evidence to support this claim. Staff notes, this comment provided is consistent with the Draft SEIR conclusions that the presence of Desert tortoise has been identified in certain portions of the project site, and that the proposed project has the potential to result in a significant impact to Desert tortoise. Five (5) live Desert tortoise were observed along the gen-tie lines, four (4) of which were west of SR 14. Additional Desert tortoise signs were found along the gen-tie alternatives, including burrows, carcasses, and egg shell fragments, primarily in the vicinity of Pine Tree Canyon Wash and the Barren Ridge Substation. Desert tortoise sign, including one (1) deteriorated burrow (possibly tortoise), scat, and carcasses, were found in Sites 1, 2, and 4, although none of the sign was recent. No Desert tortoise or sign were found in Sites 3 or 5 or along the collector lines. As mentioned before, the applicant plans to conduct MGS presence/absence surveys this spring. The results of the Desert tortoise surveys and MGS surveys will be used in consultation with CDFW to determine whether a Fish and Game Code Section 2081 permit is required.

Additionally, the commenter provided comments regarding the suggested installation of 2,652.7 acres of permanent exclusion fencing. The comment asserted that the exclusion fencing would eliminate potentially valuable habitat from use and would increase habitat fragmentation, and energy expenditure along fences that may result in increased chance of death. Staff notes, exclusionary fencing has been required on all prior projects in the area and is recognized as a standard method of avoiding any direct impact or take of Desert tortoise during construction, operations, and maintenance as they would be excluded from the construction areas (or removed and relocated if present on-site prior to the commencement of construction activities). Consistent with MM 4.3-1, prior to the issuance of grading or building permits, the Applicant will be required to either secure an ITP from CDFW or provide written documentation that it was determined through consultation with CDFW that an ITP is not required.

8. California State Clearinghouse (February 1, 2019). The commenter states the State Clearinghouse received the Draft SEIR for the Eland Solar Draft SEIR and then sent the Draft SEIR to selected States agencies for review and comment. The content of this letter have been noted for the record and it is acknowledged that the Lead Agency has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to CEQA.

Additional Comments Received to Date

Staff received nine (9) additional comment letters for the project after the 45-day circulation period. These comments have been provided to your Board as attachments to this staff report. The following is a summary of the main items identified on the additional comment received.

California Department of Conservation- Division of Oil, Gas, and Geothermal Resources (February 15, 2019). The commenter states they have received and reviewed the proposed project. The commenter states that zero known oil or gas wells are located within the project boundary as identified in the proposed project.

California Department of Transportation - District 6 (February 12. 2019). The commenter had no comments for the proposed project.

Kern County Public Works Department - Floodplain Management Section (March 15, 2019). The commenter had comments regarding the runoff stormwater from the site will be increased due to the increase in impervious surface generated by the proposed development and stated that the subject property is subject to flooding. Therefore, the commenter recommended the addition of two (2) additional Conditions of Approval, these have been incorporated into the Conditions of Approval for this project.

<u>Kern County Public Works Department - Administration and Engineering Division.</u> The commenter supports the proposed amendments of the Circulation Element of the Kern County General Plan to delete the section and midsection line road reservations, as dictated below. Therefore, Staff provides the revised request to amend the Circulation Element, as follow, additional Staff has incorporated a map for your reference:

Map 152, T31S/R37E

Site 1:

- all midsections lines within section 23
- the eastern and southern section lines of section 23

Site 2:

- all midsections lines within section 35
- the eastern and southern section lines of Section 35

Site 3:

- all midsections lines within section 34
- the western section line of section 34

Site 4:

- all midsections lines within section 33

GPA #9, Map #152; and various others T: 03/26/19 - H: 04/09/19

- the southern section line of section 33
- the southern section line of section 32
- southern portion of midsection line within section 32
- western and eastern portions of midsection lines within section 32
- southern and eastern portions of midsection lines within Section 31
- eastern portion of the southern section line of Section 31

<u>Map 152-28, T31S/R37E</u>

Site 5:

- eastern portion of the northern section line of Section 28
- eastern portion of the midsection lines within Section 28
- north half of midsection lines within Section 28

Additionally the commenter noted the need of an Encroachment Permit and comments regarding the obstruction of easements. Staff notes these requirements are part of the Conditions of Approval. Please see Conditions (8)(a) and (8)(b), of the staff report.

James and Yvonne Wooten (February 21, 2019). The commenter states their property is part of the proposed Conditional Use Permit 23, Map 152 and that they have not received any information from the solar company and the commenter objects to the project going forward. Staff notes, that Staff reached out to the property owners and clarified that their property is not within the proposed project boundary.

Southern California Gas Company (SoCal Gas). The commenter states the Transmission Department of SoCal Gas does not operate any facilities within the proposed improvement. Staff, notes this comment into the record. Comment attached.

Oscar Quintana and Patricia Cobos. The commenter had additional concerns, in regards to living close and surrounded by high voltage, property value, loss of view and scenery, glare and wildlife. Staff would like to provide additional information regarding the issues that were brought up by the commenter.

Living close and surrounded by high voltage.

Electromagnetic field (EMFs) are associated with electromagnetic radiation, which is energy in the form of photons. The EMF spectrum, the scientific name given to radiation energy, includes light, radio waves, and x-rays, among other energy forms. Commonly known human-made sources of EMF are electrical systems, such as electronics and telecommunications, as well as electric motors and other electrically powered devices. Radiation from these sources is invisible, non-ionizing, and of low frequency. Generally, in most environments, the levels of such added radiation added to natural background sources are low.

Electric voltage (electric field) and electric current (magnetic field) from transmission lines create EMFs. Power frequency EMF is a natural consequence of electrical circuits and can be either directly measured using the appropriate measuring instruments or calculated using appropriate information. On January 15, 1991, the California Public Utilities Commission (CPUC) initiated an investigation to consider its role in mitigating the health effects, if any, of electric and magnetic fields from utility facilities and power lines. A working group of interested parties, the California EMF Consensus Group, was created by the CPUC to advise it on this issue. At the end of the research, recommendations from the group were filed with CPUC in March 1992. Consequently, CPUC's decision (93-11-013) was issued on November 2, 1993, to address public concern about possible EMF health effects from electric utility facilities. The conclusions and findings included the following:

"We find that the body of scientific evidence continues to evolve. However, it is recognized that public concern and scientific uncertainty remain regarding the potential health effects of EMF exposure. We do not find it appropriate to adopt any specific numerical standard is association with EMF until we have a firm scientific basis for adopting any particular value." This continues to be the stance of the CPUC regarding standards for EMF exposure. Currently, the State has not adopted any specific limits or regulations regarding EMF levels from electric power facilities. Furthermore, Staff has attached additional information regarding EMFs for your Board's reference. (Attachment "A")

Property Value:

Property value and potential effects can only be tested through date from parcel sales. There are a number of factors that have the potential to affect property values; as a result, it is not possible to identify exactly how the proposed solar project would potentially affect private property values. Property-specific factors such as neighborhood features, square footage, size of lot, and irrigation potential are substantially more likely to be major determinants of the sales price of property than is the presence of energy infrastructure. Additionally, Staff believes there is no evidence presented that would conclude that the installation of a solar facility would lead to a decrease in neighboring property values.

Loss of view and scenery:

The project site located on a vast plain with a series of distinctive mountain ranges encompassing the background to the north. Although, much of the project area contains Desert vegetation, the project site exhibits evidence of past disturbance with the density of vegetation. Manmade features are evident, including paved and unpaved roadways, a railroad line, and the former Honda automotive testing, research, and development facility northeast of the project site. MM 4.1-1, MM 4.1-2, and MM 4.1-3 are proposed to soften visual impacts and minimize views of project equipment by installing view-screening materials in fencing and softening the visual impact of the project by requiring the planting of trees or shrubs. Additionally, for portions of the project that abut residentially zoned parcels, an additional aesthetics setback of 100 feet shall be required from the project property boundary line, which includes the centerline of any public roadway. If a public roadway does not exist between the project site and the residentially zoned property, the 100-foot setback shall be measured from the edge of the shared property line. The project proponent shall be responsible for continued dust controls and weed maintenance within this additional aesthetic setback area. No solar panels, substations, or operating equipment shall be located in and/or stored in the identified setback area. An approved site plan showing the designated additional aesthetics setback shall be submitted to Kern County Planning and Natural Resources Department for approval.

Glare, dust and sandy winds

Photovoltaic (PV) solar panels absorb light which is then converted to electricity. A solar panel comprises numerous solar cells which differ from a typical reflective surface in that they has a microscopically irregular surface designed to trap the rays of sunlight for the purposes of energy production. The intent of solar technology is to increase efficiency by absorbing as much light as possible (which further reduces reflection and glare). Solar glass sheets (the glass layer that covers the PV panels) are typically tempered glass that is treated with an antireflective or diffusion coating that further diffuses the intensity of glare produced. Additionally, MM 4.1-6 require the applicant to use solar panels and hardware designed to minimize glare and spectral highlighting. In response to dust and sandy winds, Staff notes that in order for the project proponent to be in compliance with MM 4.2-1 of the Draft SEIR, the project proponent will need to obtain an Authority to Construct (ATC) from the Eastern Kern Air Pollution Control District (EKAPCD). The EKAPCD's ATC sets district permitting conditions and requirements which applicants are required to follow. Under this ATC, the project proponent would be required to participate in Air Monitoring Network proposed by American Ecotech. A copy of a sample ATC has been attached for your reference. (Attachment "B") Should your Board have any further questions regarding this requirement a representative from EKAPCD is in attendance.

Wildlife.

Staff notes there are 23 biological mitigation measures the applicant needs to comply with as part of the project's implementation. With implementation of MM 4.3-1 through MM 4.3-23, the impact of the proposed project to biological resources would be less than significant. As shown, in Exhibit "C" of the staff report.

Kenneth Blanton (March 14, 2019). The commenter represents Gary Guinn, a property owner located in close proximity to the proposed project. The comment is to state Mr. Guinn's opposition to the project and concerns about the value of his property.

In regards to property value, as previously mentioned, property value and potential effects can only be tested through date from parcel sales. There are a number of factors that have the potential to affect property values; as a result, it is not possible to identify exactly how the proposed solar project would potentially affect private property values. Property-specific factors such as neighborhood features, square footage, size of lot, and irrigation potential are substantially more likely to be major determinants of the sales price of property than is the presence of energy infrastructure. Additionally, Staff believes there is no evidence presented that would conclude that the installation of a solar facility would lead to a decrease in neighboring property values.

Norman Kenagy (March 26, 2019). The commenter states he owns property adjoining the proposed solar project and has expressed concerns regarding the removal of road reservations around his property. Additionally, he believes that with the approval of the project his property will be landlocked.

Staff notes that Mr. Kenagy's property is located within the city boundaries of California City and is located just south of Site 4. There are no recorded public easements or roads surrounding the property, the closest paved roads are Phillips Road to the north and Neuralia Road to the west. In regards to the comments about the property being landlocked, Staff notes that that the project applicant is not requesting vacations of any legally recorded access easements; therefore, the proposed project would not result in any legal parcels being landlocked. Most of the dirt road will remain open for people to continue to use even if there is no legal or public easements.

Findings (Exhibit A and B)

Written findings and a brief explanation of the rationales for each finding in accordance with Section 15091 of the CEQA Guidelines have been included for each significant and insignificant impact as identified in the Final SEIR. The occurrence of significant environmental effects that cannot be avoided after all reasonable and feasible mitigation have been adopted for aesthetics, air quality and biological resources and are included in the Statement of Overriding Considerations. The Statement of Overriding Considerations in compliance with State CEQA Guidelines Section 15093 includes a discussion of the benefits of the project that provides a basis for the recommended approval of the project despite the adverse environmental effects that could and/or will occur. Additionally, a Mitigation Measure Monitoring Program has been prepared and is attached for your review and consideration as Exhibit C.

The following benefits and considerations outweigh such significant and unavoidable adverse environmental impacts. All of these benefits and considerations are based on the facts set forth in the findings, the final Supplemental EIR, and the record of proceedings for the project.

The project would produce up to 500 MW of electricity from a renewable source, which would assist the State of California in complying with the mandates established by Executive Order S-14-08, which requires public utilities to purchase 33 percent of their energy portfolio from renewable energy sources; as well as, reducing State and regional dependence on foreign oil and, in turn, assisting in insulating Californians from potential energy price spikes in future years.

Environmental effects of the project have been minimized by using existing electrical distribution facilities, rights-of-way, roads, and other existing infrastructure, where practicable and locating the project facilities in an area with compatible zoning and land uses while assuring consistency with the goals and policies of Section 5.4.5, "Solar Energy Development" in the Kern County General Plan.

Memorandum of Understanding (MOU)

Section 53091 of the California State Government Code provides an exemption from local building and zoning ordinances for a city or county project that includes the location or construction of facilities for the production or generation of electrical energy, among other uses. In addition, utility companies regulated by the California Public Utilities Commission have specific exemptions for transmission lines and other generating facilities. Mandates for renewable energy projects have made commercial solar and wind projects an attractive investment for utilities, cities, and counties. To ensure conformance to the land use regulations adopted and implemented by this County, past projects such as the Pine Tree Wind project (Los Angeles Department of Water and Power), Alta-Oak Creek Wind project, Antelope Valley Water Bank (Semi-Tropic Water Banking Authority), Beacon Photovoltaic Project, RE Astoria Solar Project; and the Lost Hills Solar project have included a Memorandum of Understanding/Agreement (MOU) that binds any buyer or operator to agree to be bound by the Kern County Zoning Ordinance, including Kern County building permit requirements, the conditions of the conditional use permit, and the Mitigation Measure Monitoring Program regardless of any exemption they may have under Section 53091. These mechanisms provide sufficient assurances that all provisions of the recommended approval will be implemented for the life of the project.

Additionally, MM 4.12-1(a) requires the project proponent to provide the County with written verification of ownership by April 15th of each calendar year. If the project is sold to a city, county, or utility company that pays assessed taxes that equal less than \$1,000 per MW per year, then that entity shall pay those taxes plus an amount necessary to equal the equivalent of \$1,000 per MW. The amount shall be paid for all years of operation. These mechanisms provide sufficient assurances that all provisions of the recommended approval will be implemented for the life of the project. A signed copy of the MOU/Agreement is attached for your review.

Planning and Natural Resources Department Conclusions and Recommendations

CEQA Environmental Analysis. Staff has reviewed the project with regard to environmental concerns and it is Staff's opinion that the Final SEIR prepared for this project is a comprehensive document with the best available information at this time which details the environmental effects of the project on surrounding land uses. Staff also believes the project is consistent with the California Renewable Portfolio Standard that requires investor-owned utilities to increase the sale of electricity produced by renewable energy sources to 50 percent. The Final SEIR includes 60 mitigation measures that provide for the protection of the environment and provide funding for impacts to public services. CEQA requires that all feasible and reasonable mitigation be imposed on projects to reduce the impacts of projects on the environment. Staff also concludes the Final SEIR fully complies with CEQA, and clarifications and modifications within the Response to Comments do not meet any of the conditions of CEQA Section 15088.5. No new information has been provided or feasible project mitigation rejected or environmental impact increased in severity that would require recirculation of the document. Changes to reflect these clarifications for the Final EIR, as appropriate, have been made in Section 15091 Findings of Facts, Section 15093 Statement of Overriding Considerations, and the Mitigation Measure Monitoring Program for this project.

Land Use Compatibility. This project is sited in a location that can be considered favorable for the development of a commercial solar project for a variety of reasons. The project is sited within the Antelope Valley and the Fremont Valley areas of Kern County which is especially appropriate for commercial solar development due to a lack of dense urban development. Additionally, the site has available access, mainly via existing roads in the area, which means that a minimal number of new roads would be constructed as a direct result of the project.

The project is also well sited because it is within close proximity to commercial transmission facilities. There are existing utility-related structures in close proximity of the project site, including transmission lines. By siting this project in close proximity to an existing substation, the project capitalizes on the efficient use of the existing use of power infrastructure. In addition, future energy needs could influence the need for expansion in the area and this would be expedited with this project's location in close proximity to the existing substation. It also can reduce other impacts;

such as hydrology and water quality, air quality, geology, etc., by using existing infrastructure rather than constructing new facilities.

Additionally, the project is consistent with the Public Services Goals and Policies. MM 4.12-1(a) requires the project proponent shall pay for impacts on Countywide public protection, sheriff's patrol and investigative services, and fire services at a rate of \$29.59 per 1,000 square feet of panel-covered ground, divided by the number of years of operation and paid on a yearly basis. The set number of years of operation, for the basis of determining payment not for actual operation, has been determined to be 20 years.

Conditional Use Permit Request. With regard to the requested conditional use permits, with the zone change request approval, the project will be located entirely within the A District. The purpose of the Exclusive Agriculture (A) District is to designate areas that are suitable for agricultural uses and prevent the encroachment of incompatible uses onto agricultural lands and the premature conversion of such lands to nonagricultural uses. Solar electrical generation facilities are considered to be compatible with ongoing agricultural activity. Permitted land uses in this District include agricultural uses, commercial uses, and uses related to utility lines and substations, resource extraction, and energy development. Miscellaneous accessory structures that are related to the permitted uses are also allowed.

Chapter 19.12.030.G of the Kern County Zoning Ordinance indicates that solar energy electrical generators when not accessory to a permitted or conditionally permitted use are determined to be similar to those uses permitted in the A District with approval of a conditional use permit. Pursuant to Section 19.104.040 of the Kern County Zoning Ordinance, an application for a Conditional Use Permits can be approved, or conditionally approved, if it can make all of the following findings:

- (1) The proposed use is consistent with the goals and policies of the Kern County General Plan or Specific Plan.
- (2) The proposed use is consistent with the purpose of the applicable district or districts.
- (3) The proposed use is listed as a use subject to a conditional use permit in the applicable zoning district or districts or a use determined to be similar to a listed conditional use in accordance with the procedures set out in Section 19.08.030 through Section 19.08.080 of the Zoning Ordinance.
- (4) The proposed use meets the minimum requirements of the Zoning Ordinance applicable to the use and complies with all other applicable laws, ordinances, and regulations of the County of Kern and State of California.
- (5) The proposed use will not be detrimental to the health, safety, and welfare of the public or to property and residents in the vicinity.

It is Staff's determination there is adequate justification to support the request for the conditional use permits. The project site is well suited for the development of a solar project, due to the rural nature and sparsely developed land, with the exception of portions adjacent to Site 5. Additionally, similar proposal have been approved in the area, including the original Beacon Solar Project, located just five (5) miles away from the proposed project. Staff also notes that any changes or expansions of the proposed project would require the applicant to obtain a modification to this conditional use permit or a discretionary approval of a new conditional use permit, which may include additional environmental review. The Kern County Zoning Ordinance lists the solar facility as a permitted use within the A District with approval of a conditional use permit. In order to ensure that operation of the solar facility is executed in a safe manner, multiple mitigation measures and Conditions of Approval have been included. The proposed conditional use permits do not appear to be materially detrimental to the public health, safety, or welfare of property or residents in the vicinity. Additionally, the proposed use is consistent with existing and proposed development on the project site. Therefore, Staff recommends approval of the requested conditional use permits, subject to the listed mitigation measures and conditions of approval.

Consistency with the Kern County General Plan. Your Board approved a Kern County Renewable Energy Goal for the production of ten (10) gigawatts from wind and solar facilities by 2015. The goals included projects in all Kern County jurisdictions: cities, school, and water districts; and would create an estimated 8,000 construction jobs, 1,500 operational jobs and up to \$25 billion of investment in the County's future, as well as provide power for over seven million people. Currently, the Kern County has reached this goal and the current proposal would continue this goal of promoting renewable energy in Kern County. Staff notes the proposed project would provide up to 300 construction jobs and five permanent jobs per facility, if approved and constructed. Additionally the project would add 500 MW to the County's renewable portfolio. Staff believes this project is consistent with the California Renewable Portfolio Standard that requires investor-owned utilities.

The proposed project will reduce the amount of electricity generated using fossil fuels and, therefore, result in an offset of greenhouse gas emissions per year. Staff has reviewed the project with regard to land use compatibility and consistency with the Kern County General Plan and notes the project is a compatible use and consistent with the General Plan Energy Element Goals and Policies.

Zone Change Request. With regard to the zone changes, the project site is currently zoned, as follows: 265.3 acres zoned E (2 1/2) RS MH, 81 acres zoned A-1 MH, 81 acres zoned PL RS MH, and 81 acres zoned E (20) RS. The applicant is requesting a change in zoning to A (Exclusive Agriculture); the purpose of the requested A District is to permit the construction and operation of a solar facility with approval of a conditional use permit. The existing zoning on the project site are zoned for large lot residential living, combination of estate-type residential development, agricultural uses, and other compatible uses. However, due to the lack of water and infrastructure in the area, it is unlikely that any intensive residential development would occur within the project vicinity in the near future.

Therefore, Staff believes the proposed PV solar facilities are compatible with other nearby activities and is consistent with the agriculturally-zoned District. The Zoning Ordinance allows for construction of solar energy electrical facilities within the A District with the approval of a conditional use permit.

Kern County Planning and Natural Resources Department Overall Recommendation. As noted above, the project meets the necessary findings for the requested zone changes, and conditional use permits. Additionally, Staff has determined that the project is sited in a location appropriate for commercial solar development.

The proposed project is sited in a location that is favorable for the development of a solar project. The project's proposed location is within a more remote areas of east Kern County, which is especially appropriate for this type of development due to the lack of dense urban development. While several residences are located within 1,000 feet of the project boundary none are located within the project boundary itself. Development in this rural area of the Mojave Desert has occurred at a relatively low density over the last 30 years. Therefore, it is unlikely that any intensive residential development would occur within the project vicinity during the 30-year lifetime of the project. With regard to the requested zoning code change, Staff feels that because of the lack of any planned large scale development in the area the change would create consistency with other existing and planned uses. More specifically, there are multiple large-scale commercial solar energy facilities that either exist or are under construction in very close proximity to this project; the closest project being the RE Barren Ridge Solar Project, which is located approximately one (1) mile to the northwest of Site 4. The project has available site access, mainly via existing roads in the area; which means that a minimal number of new roads would be constructed as a direct result of this project. Additionally, the project is in close proximity to existing transmission facilities and will be able to achieve project success by connecting to either the LADWP Beacon Substation or the LADWP Barren substation, both of which are already operational. Therefore, the 500 megawatt (MW) project can be considered a logical and consistent extension of existing solar energy development in the area.

Staff has review the project with regard to environmental concerns and land use compatibility. It is Staff's opinion that the Draft SEIR prepared for this project is a comprehensive document with the best available information at this time which details the potential environmental effects of the project on surrounding land use. Staff believes this project is consistent with the Senate Bill (SB) 100 which requires that all of the State's electricity come from renewable sources by 2045. The Draft SEIR includes 60 mitigation measures that provide for the protection of the public and the environment, as well as provide funding for impacts to public services. CEQA requires that all feasible and reasonable mitigation be imposed on projects to reduce impacts on the environment. Staff also concludes the Draft SEIR fully complies with CEQA, and clarifications and/or modifications within the Response to Comments do not meet any of the conditions of CEQA Section 15088.5. No new information has been provided for feasible project mitigations rejected or environmental impact increases in severity that would require recirculation of the document. Changes to reflect these clarifications for the Draft SEIR, as appropriate, have been made in Section 15091 Findings of Fact, Section 15093 Statement of Overriding Considerations, and Mitigation Measure Monitoring Program for this project.

Therefore, Staff recommends your Board: certify the Supplemental Environmental Impact Report; adopt the Section 15091 Findings of Facts and Section 15093 Statement of Overriding Considerations; adopt the Mitigation Measure Monitoring Program; approve General Plan Amendments to the Circulation Element of the Kern County General Plan as requested; approve zone changes as requested; approve conditional use permits subject to conditions; approve the Memorandum of Understanding/Agreement and recommend the Board of Supervisors Chairman to sign.

Planning Commission Hearing

On March 14, 2019, a public hearing was held by the Planning Commission to consider the proposed project. Staff provided a presentation of the project and introduced Glen Stephens, from the Eastern Kern Air Pollution Control District. Mr. Stephens stated he had reviewed the measure as analyzed on the SEIR. Mr. Stephens confirmed that mitigation measures contained in the SEIR were aligned with the District's requirements and that he was available for any questions.

The project proponent than gave a brief opening statement. Public testimony was then opened, one (1) comment was provided by Gary Guinn opposing the project. Mr. Guinn stated the project would wrap around his property and there would be solar panels on three sides of the property and will enclosed his property. Mr. Guinn wanted to go on the record as opposing the project and what it will be doing to his property and value. Public testimony was then closed.

Commissioner Sprague stated he had read the whole application and believed that Staff and the applicant did a good job on putting the project together and he supports the project and would listen to other Commissioner's comments and was ready to make a motion on the project. Commissioner Jhaj echoed what Commissioner Sprague had said and agreed that Staff had done a good job on this project, but due to the public comment he would like to get clarification from the property owner that provided public testimony, as to if he was against the whole project or just the section around his property. The property owner stated he is not opposed to the whole project, just had concerns about portions of the proposed project that had the potential of affecting the property value and stated that he had never seen a solar project being built in that manner and was concerned the project was so spread out. Commissioner McGiffney had a question about the improved value of the land and questions about the configuration of the project.

In response, Staff stated the size of a solar or wind project is dependent on the buyer and is also dependent on the electricity that is produced by the facility. In regards to the total configuration, those are property owners that are looking to capitalize on their land, just as any other property owner would and it so happened that the proposed configuration allows for easier connections to transmission lines and connection to the substations. Staff believes this project is sufficiently buffered from those residences and while there would panels on both sides there is still some open space and there is no adopted viewshed. Staff noted the additional set back provides a greater distance for open space than does the typical residential project. Sal Salazar, representative of the

project proponent, stated the applicant's preference would be to have a perfect square, but some properties do not want to sell their properties. In regards to the size of the project, Mr. Salazar stated that it depends on who the buyer of that electricity is. Commissioner McGiffney then asked if they had a power-purchase agreement. Mr. Salazar stated there are a lot of confidentiality issues with these types of agreements and they are closed on finalizing an agreement. Staff added that historically, from a land use perspective we have not used a Power Purchase Agreement as the basis for processing the project, just simply because there is a concern that could inflate the price of what this could be sold for. Commissioner Jhaj had additional questions for the applicant, he asked if they had being in contact with any of the individuals that had some of these concerns and if they had conversations about acquiring their property. Mr. Salazar stated they had been in contact with some of the property owners in the residential area and have addressed some of the issues and concerns. Commissioner Jhaj encourage the resident present to reached out to the applicant, as the applicant had made a large investment to do this project and believes that the comment regarding the property value can be communicated with the applicant. Commissioner Jhaj had an additional question regarding the buffer and how would it affect the applicant if the buffer were to be extended. Mr. Salazar, stated they believe the 100-foor buffer is sufficient and large enough to emulate any other types of development rights that anybody would have in developing their property and believes that they are exceeding four times what a typical development and if it was extended it would negatively impact the project. Staff, also stated that Staff is also looking at maintenance of the buffer, as the condition indicates the buffer needs to be maintained by the project applicant and the bigger the set back the harder is to maintained and Staff believes the 100-foot buffer is an appropriate distance. Commissioner Jhaj also asked if there has been any loss of panels, due to the implementation of the buffer. Mr. Salazar noted there was a significant amount of panels lost, but they felt it was a good compromise with the community members.

Commissioner Sprague made a motion to recommend your Board approve the project as proposed, which was seconded by Commissioner Jhaj. The proposed project was approved by a vote of four (4) ayes, with Commissioner Frank being absent.

- **PUBLIC INQUIRY OR CORRESPONDENCE:** Kern County Public Works Department (2); Department of Conservation/Division of Oil, Gas, and Geothermal Resources; California Department of Transportation; Southern California Gas Company; James and Yvonne Wooten; Patricia Cobos and Oscar Quintana; Kenneth Blanton; Norman Kenagy
- **CEQA ACTION:** Environmental Review: Supplemental Environmental Impact Report
- PLANNING COMMISSION RECOMMENDATION: Certify the Supplemental Environmental Impact Report; adopt Section 15091 Findings of Facts and Section 15093 Statement of Overriding Considerations; adopt Mitigation Measure Monitoring Program; adopt resolutions, recommended findings, and enact ordinances approving General Plan Amendments as recommended by Staff, to include within T31S/R37E, MDB&M: north half of midsection lines within Section 28; all midsections lines and the eastern and southern section lines, within Section 23; all midsections lines within and the eastern and southern section lines, of Section 35; all midsections lines and the western section line, of Section 34; all midsections lines and the southern section line of Section 33; the southern section line, the southern portion of midsection line and western and eastern portions of midsection lines within Section 32, the southern and eastern portions of midsection lines and eastern portion of the southern section line within Section 31; the eastern portion of the northern section line and eastern portion of the midsection lines within Section 28, deny General Plan Amendment as recommended by Staff for: north portion of the west section line between Section 28 and 29; north and south portions of section line between Section 27 and 28; west and east portions of the section line between Section 26 and 35; west and east portions of the section line between Section 14 and 23; approve zone changes as requested; approve conditional use permits subject to conditions; approve the Memorandum of Understanding/Agreement and recommend the Board of Supervisors Chairman to sign

BASIS FOR APPROVAL AND RECOMMENDED FINDINGS FOR GENERAL PLAN AMENDMENTS:

GPA #9, Map #152; and various others T: 03/26/19 - H: 04/09/19

- (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
- (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Supplemental Environmental Impact Report, and the Board makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Board acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby adopts a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Supplemental Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Supplemental Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.
- (4) The proposed use is consistent with the goals and policies of the Kern County General Plan.
- (5) Approval of this request would promote development that is consistent with existing and potential land uses of surrounding the area and will allow a reasonable use of this property.
- (6) The project will require minimal expansion of infrastructure to support the proposed development.
- (7) In accordance with Senate Bill 18 and the California Tribal Consultation Guidelines, the appropriate Indian tribes were consulted with respect to the project's potential impacts on Native American places, features, and objects and provided an opportunity for review and consultation.
- (8) In accordance with Assembly Bill 52 and the California Tribal Consultation Guidelines, the appropriate Indian tribes were consulted with respect to the project's potential impacts on Native American places, features, and objects and provided an opportunity for review and consultation.
- (8) The proposed solar energy facility is located in a rural area of the County adjacent to agricultural development and transmission lines. Given these existing uses, there is little potential for the area to be development as an urban center or major transportation corridor in the long term future. As such, the identified arterial/collector roadway designations are not necessary to facilitate future traffic needs in the area.

- (9) Approval of the requested General Plan Amendments are consistent with continuing the Board of Supervisors' adopted alternative energy goal because it will help facilitate the construction of a renewable energy project.
- (10) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the County Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made.
- (11) Approval of the Amendments to the Circulation Element of the Kern County General Plan is consistent with the objectives of the Circulation Element of the Plan.
- (12) Approval of the Amendments to the Circulation Element of the Kern County General Plan is consistent with the objectives will maintain accessibility for neighboring properties.
- (13) Approval of the Amendments to the Circulation Element of the Kern County General Plan is consistent with the objectives of the Circulation Element of the Plan because it will maintain adequate traffic safety.

BASIS FOR APPROVAL AND RECOMMENDED FINDINGS FOR GENERAL PLAN AMENDMENTS:

(1) Denial of portions of the Amendment to the Circulation Element of the Kern County General Plan will preserve access for potential future development in the area. These portions are as follow: north portion of the west section line between Section 28 and 29; north and south portions of section line between Section 27 and 28; west and east portions of the section line between Section 26 and 35; west and east portions of the section line between Section 14 and 23.

BASIS FOR APPROVAL AND RECOMMENDED FINDINGS ZONE CHANGE CASES:

- (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
- (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Supplemental Environmental Impact Report, and the Board makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Board acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby adopts a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Supplemental Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Supplemental Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.
- (4) The requested zone change is consistent with the applicable provisions of the Kern County General Plan, and with previous zone change approvals in the area.
- (5) Approval of the requested zone change and implementation of the required mitigation measures will not be materially detrimental to the health, safety and welfare of the public or the property and residents in the vicinity.
- (6) The requested zone change will facilitate the development of a utility-scale solar energy facility. Given the lack of existing urban development infrastructure in the area, the economic uses and viability of this land are limited. Implementation of this project represents the best and highest use of this land by allowing these individual owners to develop their property with a use that is compatible with the surrounding land uses in the vicinity.
- (7) Approval of the change in zone classification will allow for the construction of a utility-scale solar facility that is consistent with the purpose of continuing the Board of Supervisors' adopted alternative energy goal.
- (8) Approval and implementation of the request zone change will facilitate the construction of a 500 megawatt (MW) solar energy facility. This facility and the anticipated economic benefits associated with the operation of the facility to the County, which include but are not limited to the anticipated of 300 construction and five (5) full-time operational jobs are consistent with the objectives of the Kern County General Plan that encourage economic development that creates jobs and capital investments in urban and rural areas that benefits residents, businesses, and industries, as well as ensuring future governmental fiscal stability while encouraging new development to utilize existing infrastructure and services.
- (9) Approval of the change in zone classification will allow for the construction of a utility-scale solar facility in an area that does not consist of dense urban development, in an area where adequate site access is available, and in an area that is close to existing energy transmission facilities.
- (10) Approval of the requested zone change will authorize the implementation of development that is consistent with surrounding land uses and provide opportunities to capitalize on existing transmission infrastructure.
- (11) Pursuant to CEQA Section 15074.1, implementation of the proposed clarification to mitigation measure would not result in any new significant environmental impacts. A public hearing has been held that identified the proposed clarification as required. It is the Lead Agency's determination the implementation of the proposed clarifications are considered equivalent and more effective towards the mitigation of impacts and are in full compliance with CEQA.
- (12) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the County Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made.
- (13) Implementation of the proposed zone change to A (Exclusive Agriculture) will facilitate development of a 500 megawatts (MW) solar photovoltaic facility. The A District is

consistent with the existing rural residential character of Western Antelope Valley and implementation of the proposed solar facility is compatible with existing residential uses and surrounding approved solar facilities within the project vicinity.

RECOMMENDED CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMITS:

- Conditional Use Permit No. 23 Map No. 152, Conditional Use Permit No. 24 Map No. 152, Conditional Use Permit No. 25 Map 152, Conditional Use Permit No. 26 Map No. 152, Conditional Use Permit No. 3 Map No. 152-28, authorizes the construction and operation of a solar photovoltaic (PV) power generation facilities generating up to a maximum of 500 megawatts (MW) of renewable electrical energy on the 2,652.7 acres.
- (2) Any additional on-site development or expansion activities beyond those items described in the staff report and certified Final Supplemental Environmental Impact Report associated with initial approval of this conditional use permit; and which are deemed to be more intensive by the Director of the Kern County Planning and Natural Resources Department, shall be subject to review and approval and may entail further environmental review. Approval of such development or expansion activities may also require modification of this conditional use permit or the approval of a new conditional use permit at the discretion of the Director of the Kern County Planning and Natural Resources Department.
- (3) All mitigation measures included in the adopted Mitigation Measure Monitoring Program for the Eland 1 Solar Project by 68SF 8me, LLC (Conditional Use Permit No. 23 Map No. 152, Conditional Use Permit No. 24 Map 152, Conditional Use Permit No. 25 Map No. 152, Conditional Use Permit No. 26 Map 152, Conditional Use Permit No. 3 Map No. 152-28), included as Exhibit C of this Resolution, are hereby incorporated as Conditions of Approval.
- (4) Development shall be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval.
- (5) All necessary building permits must be obtained.

(6) <u>Prior to the issuance of building or grading permits</u>, the applicant shall submit documentation of the following:

- (a) The project proponent shall demonstrate compliance with all applicable mitigation measures as listed in the approved Mitigation Measure Monitoring Program (MMMP).
- (b) The method of water supply and sewage disposal shall be as required and approved by the Kern County Public Health Services Department/Environmental Health Division.
- (c) Fire flows, fire protection facilities, and access ways shall be as required and approved by the Kern County Fire Department.
- (d) A plan for the disposal of drainage waters originating on-site and from adjacent road rights-of-way shall be approved by the County of Kern Public Works Department/Floodplain Management Section, if required. Easements or grant deeds shall be given to the County of Kern for drainage purposes or access thereto, as necessary.
- (e) The project operator shall develop and implement an on-site Pest Management Plan specifically related to rodent vectors. The plan shall be submitted to the Kern County Planning and Natural Resources Department.

(f) The project proponent shall encourage all contractors for the project to hire at least 50 percent of their workers from the local Kern County communities. The project operator shall provide to the contractors a list of training programs that provide skilled solar workers and shall require the contractor to advertise locally for available jobs, notify the training programs of job availability, all in conjunction with normal hiring practices of the contractor. The project operator shall submit a letter detailing the hiring efforts, prior to commencement of construction

(7) <u>Prior to the issuance of building permits</u>, the applicant shall submit documentation of the following:

(a) Solar panel support/foundation structures shall be constructed in such a way as to minimize the potential to entrap animals. Detailed schematic drawings depicting the solar panel support/foundation structures to be used on site shall be submitted for approval by the Planning and Natural Resources Director.

(8) <u>Prior to final occupancy approval</u>, the following conditions shall be verified by the building inspector and shall be continuously maintained while this permit is active:

- (a) The following improvements shall comply with requirements of the County of Kern Public Works Department/Building and Development Division and shall be accomplished at no cost to the County and by encroachment permit issued by the Director of the Public Works Department/Building and Development Division:
 - 1. Under encroachment permit, issued by County of Kern Public Works Department/ Building and Development Division, construct paved private road approaches at locations to be approved by the Public Works Department. This does not constitute approval of the location shown on the plans.
- (b) All easements shall be kept open, clear, and free from buildings and structures of any kind pursuant to Chapters 18.50 and 18.55 of the Kern County Land Division Ordinance. All obstructions, including utility poles and lines, trees, pole signs, or similar obstructions, shall be removed from the ultimate road rights-of-way in accordance with Section 18.55.030 of the Land Division Ordinance. Compliance with this requirement is the responsibility of the applicant and may result in significant financial expenditures.
- (c) All storage and pressure tanks shall be painted an earthen hue color.
- (d) All vehicle parking and maneuvering areas shall be treated in a manner to continuously prevent blowing dust.
- (e) All signs shall be approved by the Director of the Kern County Planning and Natural Resources Department prior to installation.
- (f) The areas devoted to outside storage shall be treated with a dust binder or other dust control measure, as approved by the Director of the Kern County Planning and Natural Resources Department.

(9) The property owner shall continuously comply with the following conditions of approval during implementation of this permit:

- (a) The development shall comply with any requirements of the Eastern Kern Air Pollution Control District.
- (b) If any previously unknown oil, gas or injection wells are discovered, work in the area of discovery shall be stopped and the Department of Conservation/Division

of Oil, Gas, and Geothermal Resources/Bakersfield office contacted by the project proponent to obtain information on the requirements of, and approval to perform, remedial operations implemented prior to resumption of work in the area of discovery.

- (c) If any previously unknown archaeological or cultural resources are discovered, work in the area of discovery shall be stopped and a qualified archaeologist contacted to evaluate the find. A copy of the archaeologist's evaluation shall be submitted to the Kern County Planning and Natural Resources Development Department upon its issuance and any measures recommended by the archaeologist shall be implemented prior to resumption of work in the area of discovery.
- (d) All exterior lighting shall be directed away from adjacent properties and roads. When lighting will be visible from a residential district or adjacent public roads, the lighting fixtures shall be equipped with glare shields or baffles to reduce light trespass onto adjacent properties and shall not exceed 25 feet in height above grade. Light fixtures shall be maintained in sound operating conditions at all times. A lighting plan, including glare shield details, shall be submitted and approved by the Kern County Planning and Natural Resources Department.
- (10) All signs shall comply with the signage regulations of the applicable base zone district and with Chapter 19.84 and Chapter 19.81.040(h) of the Zoning Ordinance.
- (11) During all on-site grading and construction activities, adequate measures shall be implemented to control fugitive dust.
- (12) For portions of the project that abut residentially zoned parcels, an Additional Aesthetics Setback of 100 feet shall be required from the project property boundary line, which includes the centerline of any public roadway. If a public roadway does not exist between the project site and the residentially zoned property, the 100 foot setback shall be measured from the edge of the shared property line. The project proponent shall be responsible for continued dust controls and weed maintenance within this additional aesthetic setback area. No solar panels, substations or operating equipment shall be located in and or stored in the identified setback area.
- (13) All used oil (as defined in Section 25250.1 of the California Health and Safety Code) shall be disposed of in accordance with all local, State, and federal regulations following consultation with the Kern County Public Health Services Department/Environmental Health Division/Hazardous Materials Section, State of California Department of Health Services, and the Environmental Protection Agency. All used oil and other wastes shall be transported by a registered waste hauler.
- (14) This permit shall become null and void if the use authorized has not been activated within a five-year period of time of the approval of said permit, unless an extension of time has been granted by the decision-making authority, upon written request before expiration of the five- (5-) year period.
- (15) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of the Ordinance Code.
- (16) At the time building permits are applied for, a filing fee of \$130 may be imposed to ensure that final plans are consistent with adopted conditions of approval. This fee may serve as an initial deposit for particularly complex cases, in which case a cost recovery agreement will be required and charges will be billed at \$100 per hour.

BASIS FOR APPROVAL AND RECOMMENDED FINDINGS FOR CONDITIONAL USE PERMITS:

- (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
- (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Supplemental Environmental Impact Report, and the Board makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Board acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby adopts a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Supplemental Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Supplemental Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.
- (4) Pursuant to CEQA Section 15074.1, implementation of the proposed clarification to mitigation measure would not result in any new significant environmental impacts. A public hearing has been held that identified the proposed clarification as required. It is the Lead Agency's determination the implementation of the proposed clarifications are considered equivalent and more effective towards the mitigation of impacts and are in full compliance with CEQA.
- (5) The proposed use is consistent with the goals and policies of the Kern County General Plan.
- (6) The proposed use is consistent with the purpose of the applicable district or districts.
- (7) The proposed use is listed as a use subject to a conditional use permit in the applicable zoning district or districts or a use determined to be similar to a listed conditional use in accordance with the procedures set out in Section 19.08.030.
- (8) The project is located within the A (Exclusive Agriculture) District. The purpose of the Exclusive Agriculture (A) District is to designate areas that are suitable for agricultural uses and prevent the encroachment of incompatible uses onto agricultural lands and the premature conversion of such lands to nonagricultural uses. Solar electrical generation facilities are considered to be compatible with ongoing agricultural activity.

- (9) Permitted land uses in the A (Exclusive Agriculture) District include agricultural uses, commercial uses, and uses related to utility lines and substations, resource extraction, and energy development. Miscellaneous accessory structures that are related to the permitted uses are also allowed. Pursuant to Section 19.12.030.G of the Kern County Zoning Ordinance, solar facilities are permitted with approval of a Conditional Use Permit.
- (10) The proposed use meets the minimum requirements of this title applicable to the use and complies with all other applicable laws, ordinances, and regulations of the County of Kern and the State of California.
- (11) The proposed use will not be materially detrimental to the health, safety, and welfare of the public or to property and residents in the vicinity.
- (12) Approval of the requested conditional use permit is consistent with continuing the Board of Supervisors' adopted alternative energy goal because it will help facilitate the construction of a renewable energy project.
- (13) Implementation of the proposed conditional use permit will facilitate development of a 500 megawatts (MW) solar photovoltaic facility. This use is consistent with existing rural residential character of Western Antelope Valley and implementation of the proposed project is compatible with existing residential uses and surrounding approved solar facilities within the project vicinity.
- (14) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the County Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made.

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Attachments

ATTACHMENT "A"

'3/14/2019





What are EMFs

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About Us		•
Safety)
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Utilities & Industries		>
Licensing		>
Proceedings		>
Complaints		•
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Home | Energy | Infrastructure | Permitting and Environmental Review | What are EMFs

What are EMFs?

Electric and Magnetic fields are invisible lines of force that surround any electrical device. Electric fields are produced by voltage and increase in strength as the voltage increases. The electric field strength is measured in units of volts per meter (V/m). Magnetic fields result from the flow of current through wires or electrical devices and increase in strength as the current increases. Magnetic fields are measured in units of gauss (G) or tesla (T). Most electrical equipment has to be turned on, i.e., current must be flowing, for a magnetic field to be produced. Electric fields, on the other hand, are present even when the equipment is switched off, as long as it remains connected to the source of electric power.

Electric fields are shielded or weakened by materials that conduct electricity (including trees, buildings, and human skin). Magnetic fields, on the other hand, pass through most materials and are therefore more difficult to shield. Both electric and magnetic fields decrease as the distance from the source increases.

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	Transparency		Þ
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	Proceedings		۶
	Complaints		•
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Home Energy Infrastructure Permitting and Environmental Review PUC Actions Regarding EMFs

PUC Actions Regarding EMFs

A PUC decision on January 27, 2006, affirmed the Commission's November 1993 decision on low-cost/no-cost, policy to mitigate EMF exposure for new utility transmission and substation projects. As a measure of low-cost mitigation, we continue to use the benchmark of 4% of transmission and substation project costs for EMF mitigation, and combine linked transmission and substation projects in the calculation of this 4% benchmark. In addition, the Commission adopted rules and policies to improve utility design guidelines for reducing EMF, and called for a utility workshop to implement these policies and standardize design guidelines.

In order that utilities may proceed with a workshop, the Commission defined and adopted EMF mitigation polices and rules that address underground transmission lines, application of the 4% mitigation benchmark to EMF priority classes, EMF mitigation modeling techniques, and the locations for measuring EMF mitigation. The Commission also directed utilities to initiate standardized field reduction techniques and develop a table to reflect EMF reduction measures taken or rejected.

The Commission is unable to determine whether there is a significant scientifically verifiable relationship

3/14/2019

PUC Actions Regarding EMFs

between EMF exposure and negative health consequences. However, the surfulary 2006 decision directs the Commission's Energy Division to pursue and review all available studies regarding EMF, and to review scientific information and report on new findings. Should such studies indicate negative EMF health impacts, the Commission will reconsider its EMF policies, and open a new rulemaking if necessary.

There are seven measures that were ordered in the PUC's November 1993 decision and affirmed in the January 27, 2006 decision are:

• No-cost and low-cost steps to reduce EMF levels: When regulated utilities design new projects or upgrade existing facilities, approximately 4% of the project's budget may be used for reducing EMFs. The PUC did not set specific reduction levels for EMFs. It was inappropriate to set a specific numerical standard until a scientific basis for doing so exists

• New designs to reduce EMF levels: The PUC's Advisory and Compliance Division and Safety Division held workshops for utilities to develop EMF design guidelines for new and rebuilt facilities. The guidelines incorporate alternative sites, increase the size of rights-of-way, place facilities underground, and use other suggested methods for reducing EMF levels at transmission, distribution and substation facilities

• Measurement of EMFs: Uniform residential and workplace EMF measurement programs were also designed in the workshops; they are available to utilities and their customers. Other utilities are also encouraged to use them.

•Education and Research: The PUC wants the public and groups having a financial or basic interest in EMFs to become involved in developing education and research programs; these programs are established and managed by the DHS. PUC-regulated utilities and municipal utilities use ratepayer funds to pay for their share of development costs for the following programs:

• EMF Education: This \$1.49 million program will provide credible, meaningful, consistent, and timely EMF information to electric utility customers, employees, and the public. DHS will coordinate a uniform EMF education program to supplement, but not duplicate, those that most electric utilities already have. Utilities without programs should implement one as soon as possible.

• EMF Research: A \$5.6 million four-year non-experimental research program will be directed by DHS. This program will provide utility participation in state, national, and international research to be pursued to the extent that it benefits ratepayers.

Other Research: Utilities are authorized to contribute to federal experimental research conducted under the National Energy Policy Act of 1992.

History

On January 15, 1991, the PUC began an investigation to consider the Commission's potential role in mitigating health effects, if any, of EMFs created by electric utility power lines and by cellular radiotelephone facilities. By this investigation, all interested parties were notified that the PUC would take appropriate action on EMFs in response to a conclusion, based on scientific evidence, which indicates that a health hazard actually exists, and that a clear cause and effect relationship between utility property or operations and public health is established.

Due to the lack of scientific or medical conclusions about potential health effects from utility electric facilities and power lines, the PUC adopted Seven Interim Measures that help to address public concern on this subject [D.93-11-013]. The interim EMF requirements apply to Pacific Gas & Electric, Southern California Edison, San Diego Gas & Electric, Sierra Pacific Power, and Pacific Power & Light. Municipal utilities, like the Sacramento Municipal Utilities District and the Los Angeles Department of Water and Power, are not under PUC jurisdiction, although they may voluntarily follow the same measures.

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EMF Design Guidelines for Electrical Facilities

July 21, 2006

Table of Contents

1	CALIFORNIA EMF POLICY
	1.1 HISTORICAL BACKGROUND OF CALIFORNIA EMF POLICY
	1.2 CURRENT CALIFORNIA EMF POLICY
	1.2.1 Standardized EMF Design Guidelines
	1.2.2 Standardized Table of Magnetic Field Reduction Measures
	1.2.3 Additional Considerations Used in the Design Guidelines4
2	METHODS FOR REDUCING MAGNETIC FIELDS
	2.1 INCREASING THE DISTANCE FROM ELECTRICAL FACILITIES
	2.2 REDUCING CONDUCTOR (PHASE) SPACING
	2.3 PHASING CIRCUITS TO REDUCE MAGNETIC FIELDS
3	THE FIELD MANAGEMENT PLAN PROCESS6
	3.1 THE FIELD MANAGEMENT PLAN
	3.2 Types of FMP
	3.3 DETERMINING IF AN FMP IS REQUIRED, AND IF SO, WHAT TYPE
	3.4 PROJECTS EXEMPT FROM THE FMP REQUIREMENT
	3.5 PRIORITIZING WITHIN AND BETWEEN LAND USE CLASSES
4	FIELD MANAGEMENT PLANS FOR TRANSMISSION LINES
	4.1 PROJECT DESCRIPTION
	4.2 Two-Dimensional Magnetic Field Modeling for Transmission Lines13
5	FIELD MANAGEMENT PLANS FOR SUBSTATIONS
6	CALIFORNIA DEPARTMENT OF EDUCATION'S (CDE) CRITERIA FOR
SIT	TING NEW SCHOOLS ADJACENT TO ELECTRIC POWER LINES RATED 50 KV
AN	D ABOVE

EMF Design Guidelines for Electrical Facilities

1 California EMF Policy

1.1 Historical Background of California EMF Policy

In 1993, the California Public Utilities Commission (CPUC) issued Decision 93-11-013, establishing EMF policy for California's regulated electric utilities.

The Decision acknowledged that scientific research had not demonstrated that exposures to EMF cause health hazards and that it was inappropriate to set numeric standards that would limit exposure. In recognizing the scientific uncertainty, the CPUC addressed public concern over EMF by establishing a no-cost and low-cost EMF reduction policy that utilities would follow for proposed electrical facilities.

In workshops ordered by the CPUC, the utilities developed the initial EMF Design Guidelines based upon the no-cost and low-cost EMF policy. Fundamental elements of the policy and the Design Guidelines included the following:

- A) No-cost and low-cost magnetic field reduction measures would be considered on new and upgraded projects.
- B) Low-cost measures, in aggregate, would:
 - a. Cost in the range of 4% of the total project cost.
 - b. Achieve a noticeable magnetic field reduction.

The CPUC stated,

"We direct the utilities to use 4 percent as a benchmark in developing their EMF mitigation guidelines. We will not establish 4 percent as an absolute cap at this time because we do not want to arbitrarily eliminate a potential measure that might be available but costs more than the 4 percent figure. Conversely, the utilities are encouraged to use effective measures that cost less than 4 percent."¹

C) For distribution facilities, utilities would apply no-cost and low-cost measures by integrating reduction measures into construction and design standards, rather than evaluating no-cost and low-cost measures for each project.

1.2 Current California EMF Policy

In 2006, the CPUC updated its EMF Policy in Decision 06-01-042. The decision re-affirmed that health hazards from exposures to EMF have not been established and that state and federal public health regulatory agencies have determined that setting numeric exposure limits is not appropriate. The CPUC also re-affirmed that the existing no-cost and low-cost precautionary-

¹ CPUC Decision 93-11-013, Section 3.3.2, p.10

based EMF policy should be continued. In the decision, the CPUC required the utilities to "update their EMF Design Guidelines to reflect the following key elements of the updated EMF Policy:

- A) "The Commission [CPUC] has exclusive jurisdiction over issues related to EMF exposure from regulated utility facilities."²
- B) "...while we continue our current policy of low-cost and no cost EMF mitigation, as defined by a 4% benchmark of total project cost, we would consider minor increases above the 4% benchmark if justified under unique circumstances, but not as a routine application in utility design guidelines. We add the additional distinction that any EMF mitigation cost increases above the 4% benchmark should result in significant EMF mitigation to be justified, and the total costs should be relatively low."³
- C) For low cost mitigation, the "EMF reductions will be 15% or greater at the utility ROW [right-of-way]..."⁴
- D) "Parties generally agree on the following group prioritization for land use categories in determining how mitigation costs will be applied:
 - 1. Schools and licensed day care⁵
 - 2. Residential
 - 3. Commercial/industrial
 - 4. Recreational
 - 5. Agricultural
 - 6. Undeveloped land"
- E) "Low-cost EMF mitigation is not necessary in agricultural and undeveloped land except for permanently occupied residences, schools or hospitals located on these lands."⁶
- F) "Although equal mitigation for an entire class is a desirable goal, we will not limit the spending of EMF mitigation to zero on the basis that not all class members can benefit."⁷
- G) ".... We [CPUC] do not request that utilities include non-routine mitigation measures, or other mitigation measures that are based on numeric values of EMF exposure, in revised design guidelines..."⁸

² CPUC Decision 06-01-042, p. 21

³ Ibid., p. 7

⁴ Ibid., p. 10

⁵ "As an additional fixed location of young children, we will add hospitals to this category." Ibid., p. 7

⁶ Ibid., p. 20

⁷ Ibid., p. 10

⁸ Ibid., p. 17

The CPUC also clarified utilities' roles on EMF during the CPCN (Certificate of Public Convenience and Necessity) and PTC (Permit to Construct). The CPUC stated,

"EMF concerns in future CPCN [Certificate of Public Convenience and Necessity] and PTC [Permit to Construct] proceedings for electric transmission and substation facilities should be limited to the utility's compliance with the Commission's [CPUC] low-cost and no-cost policies."⁹

Furthermore, the CPUC directed "the Commission's Energy Division to monitor and report on new EMF related scientific data as it becomes available."¹⁰ These EMF Design Guidelines, therefore, will be revised as more information or direction from the CPUC becomes available.

1.2.1 Standardized EMF Design Guidelines

Decision 06-01-042 directed the utilities to hold a workshop to develop standard approaches for their EMF Design Guidelines. This workshop was held in spring of 2006, and this document represents the standardized design guidelines produced as a result of that workshop. The guidelines describe the routine magnetic field reduction measures that all regulated California electric utilities will consider for new and upgraded transmission line and transmission substation projects.

These guidelines are not applied to changes made in connection with routine maintenance, emergency repairs, or minor changes to existing facilities. See §3.4 for a list of exemptions.

1.2.2 Standardized Table of Magnetic Field Reduction Measures

As directed by Decision 06-01-042, these guidelines include a standardized table that utilities will use to summarize "the estimated costs and reasons for adoption or rejection"¹¹ of reduction measures considered for any particular project. Table 1-1 shows the information to be displayed in the standardized table. Utilities may choose to add columns for additional information as necessary for any particular project. Typical format is shown below.

Table 1-1 Low-Cost Reduction Measures Adopted or Rejected

Project Segment	Location (Street, Area)	Adjacent Land Use	Reduction Measure Considered	Measure Adopted? (Yes/No)	Reason(s) if not adopted	Estimated Cost to Adopt
		Per §1.2-D	Per § 2			

⁹ Ibid., p. 21

¹⁰ Ibid., p. 16

¹¹ Ibid., p. 13.

1.2.3 Additional Considerations Used in the Design Guidelines

These additional elements of policy resulting from Decisions 93-11-013 and 06-01-042 are fundamental to application of the guidelines:

- Any proposed changes in guidelines should be consistent with the EMF policy established in this decision [D.06-01-042] and in D.93-11-013.¹²
- The guidelines "should not compromise safety, reliability, or the requirements of [CPUC] General Orders (GO) 95 and 128."¹³
- Without exception, design and construction of electric power system facilities must comply with all applicable federal and state regulations, applicable safety codes, and each electric utility's construction standards.
- Non-routine field reduction measures are not necessary except in unique circumstances, and are not included in the guidelines.
- The guidelines do not include reduction measures "that are based on numeric values of EMF exposure."¹⁴
- Modeling is done for magnetic fields only.
- Modeling of magnetic fields is for comparison of reduction techniques, and "does not measure actual environmental magnetic fields."¹⁵
- "[P]ost-construction measurement of EMF in the field cannot indicate the effectiveness of mitigation measures"¹⁶ and is not required.
- "The appropriate location for measuring EMF mitigation is the utility ROW as this is the location at which utilities may maintain access control."¹⁷
- Reduction measures are not applicable to reconfigurations or relocations of up to 2,000 feet, the distance under which certain exemptions apply under GO 131-D.¹⁸
- "Utility design guidelines should consider EMF mitigation at the time the FMP [(Magnetic) Field Management Plan] is prepared..." The CPUC does "not require utility design guidelines to include low-cost EMF mitigation for undeveloped land."¹⁹
- Distribution facilities are not considered in magnetic field modeling or in FMPs for transmission line or substation projects rated 50 kV and above.

¹⁹ Ibid., p. 9.

¹² Ibid., p. 20.

¹³ Ibid., p. 21.

¹⁴ Ibid., p. 17.

¹⁵ Ibid., p. 11.

¹⁶ Ibid., p. 11.

¹⁷ Ibid., p. 20.

¹⁸ The CPUC's General Order 131-D establishes rules and specifications for permitting and construction of electric generation, transmission and distribution facilities and substations located in California.

2 Methods for Reducing Magnetic Fields

The following magnetic field reduction methods may be considered for new and upgraded electrical facilities:

- A) Increasing the distance from electrical facilities by:
 - a. Increasing structure height or trench depth.
 - b. Locating power lines closer to the centerline of the corridor.
- B) Reducing conductor (phase) spacing.
- C) Phasing circuits to reduce magnetic fields.

2.1 Increasing the Distance from Electrical Facilities

Reducing magnetic field strength by increasing the distance from the source can be accomplished either by increasing the height or depth of the conductor from ground level. Furthermore, locating the power lines as far away from the edge of the right-of-way or as close to centerline as possible will result in lower field levels at the edge of the right-of-way. For substations, placing major electrical equipment, such as switch-racks and power transformers, near the center of the substation can reduce the magnetic field levels at the property line.

2.2 Reducing Conductor (Phase) Spacing

The magnetic field produced by overhead and underground power lines is approximately inversely proportional to the distance between the phase conductors. Thus, reducing the spacing between conductors by 50 percent generally reduces the magnetic field at ground level by approximately 50 percent. The minimum distance between overhead conductors for power lines built in California is established by CPUC General Order (GO) 95. Utilities may establish minimum clearances greater than those allowed in GO 95 if required for safe working conditions or to prevent flash over. In most cases, insulation levels will be established based on lightning, switching surge, or insulator contamination considerations.

Because underground conductors are insulated, they may be placed within inches of each other. This means that there generally can be greater magnetic field cancellation in an underground circuit than an overhead circuit. Therefore, the magnetic field levels from an underground circuit will generally be lower than a comparably loaded overhead circuit at most locations other than directly above the underground line, where the cancellation effect of the underground conductors is offset by their proximity to the surface. In contrast, overhead conductors will be much farther away and will generally create a lower magnetic field directly under the line than a comparably loaded underground circuit.

2.3 Phasing Circuits to Reduce Magnetic Fields

When two or more circuits share a pole or tower, the resultant magnetic field will be the vector sum of the individual conductor fields on the structure. By using proper phasing techniques, the field from one circuit can reduce the field from another circuit, thereby reducing the level of magnetic field at ground level.

3 The Field Management Plan Process

3.1 The Field Management Plan

The Field Management Plan (FMP) documents the consideration of no-cost and low-cost magnetic field reduction measures for new or significantly reconstructed transmission lines and substations rated 50 kV and above (refer to § 3.4 for exceptions).

FMPs will be prepared for relevant transmission projects and will be retained with the work order. For any project requiring a permit under GO 131-D, the FMP will be incorporated as a part of the GO 131-D filing.

Utilities have incorporated magnetic field reduction measures into their distribution construction and design standards. Therefore, FMPs are not prepared for any distribution projects.

Basic elements of the FMP include a project description, an evaluation of no-cost and low-cost magnetic field reduction measures, and specific recommendations regarding magnetic field reduction measures to be incorporated into the transmission line and substation design (see §§ 4 and 5 of these guidelines for additional information concerning the contents of transmission line and substation FMPs).

3.2 Types of FMP

There are two types of FMP for transmission line projects, a "Basic FMP" and a "Detailed FMP," and a "Checklist FMP" for substation projects.

For transmission line projects with limited work scope, as described in Table 3-1 below, a Basic FMP is sufficient to document no-cost and low-cost magnetic field reduction measures. The Basic FMP consists of a transmission line project description, applicable no-cost and low-cost magnetic field reduction measures without magnetic field model(s), and recommendations.

The Detailed FMP consists of a transmission line project description, evaluation of no-cost and low-cost magnetic field reduction measures, magnetic field models, and recommendations (refer to § 3.3 to determine what types of transmission line projects require a Detailed FMP).

For substation projects, a checklist FMP, showing an evaluation of magnetic field reduction measures adopted or rejected, will be used. An example of the Checklist FMP is shown on Table 5-1.

3.3 Determining If an FMP is Required, and If so, What Type

The CPUC in Decision 93-11-013 (§ 3.4.2, p. 15) states, "Utility management should have reasonable latitude to deviate and modify their guidelines as conditions warrant and as new magnetic fields information is received." Table 3-1 provides criteria to determine if the project requires a Detailed FMP, a Basic FMP, a Checklist FMP, or no FMP.

Table 3-1 Criteria to Determine Whether an FMP is Required			
FMP Type Required	Type of Work	FMP Criteria	
	Transmission Line (rated 5	50 kV and above)	
Detailed FMP Note: A Detailed FMP will be used for transmission line projects requiring	New Transmission Line: The construction of a new transmission line, if the construction requires permitting under GO 131-D. Major Upgrade: Major upgrade (including replacement of a significant number of existing structures) on an existing transmission line, if the upgrade requires permitting under GO 131-D.	The construction of a new transmission line will incorporate no-cost and low-cost magnetic field reduction measures. Magnetic field model is required. All major upgrades of existing transmission lines will require no-cost and low-cost magnetic field reduction measures unless otherwise exempted under § 3.4.	
permitting under GO 131-D.		If permitting under GO 131-D is not required, a Basic FMP may be used, and magnetic field modeling is not required.	
Basic FMP Note: A Basic FMP will be used unless the transmission line project requires	Rule 20 Conversions : Direct replacement of overhead transmission lines with underground transmission lines under Rule 20.	The transmission line route generally is pre- established for Rule 20 conversions. Phase spacing and depth are set by utility construction standards. Thus, phase arrangement is the only magnetic field reduction measure available to the designer. Therefore, the Basic FMP will be restricted to an evaluation of phase arrangement. Magnetic field modeling is not required.	
permitting under GO 131-D.	<u>Relocation more than 2000 ft</u> : Relocation of poles and/or towers involving more than 2000 feet of transmission line.	Relocation of existing transmission lines generally does not provide for alternative transmission line routes. Available options are typically limited to minor changes in pole and/or tower height, minor changes in pole-head ²⁰ configuration, or phase arrangement. The Basic FMP will normally cover these options only. Magnetic field modeling is not required.	
	<u>Pole-head Reconfiguration more than</u> <u>2000 ft</u> : Pole-head reconfiguration involving more than 2000 feet of transmission line. The complete replacement of an existing pole-head configuration with a new design.	Pole-head replacement is limited in scope; thus, field management options are generall restricted to selecting the pole-head configuration and phase arrangement. In most cases, the new pole-head configuration must be consistent with the remainder of the line. The Basic FMP will be limited to an	

²⁰ It can also be referred to as "pole-top"

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FMP Type Required	Type of Work	FMP Criteria
Basic FMP		assessment of alternative pole-head configurations and will not require magnetic field modeling.
A Basic FMP will be used unless the transmission line project requires permitting under GO 131-D	<u>Reconductoring more than 2000 ft.</u> : Replacement only of existing conductors and/or insulators with new conductors and/or insulators.	In most cases, replacement of existing transmission conductors is limited in scope; therefore, the Basic FMP will be limited to an assessment of phase arrangement for reconductor activity involving more than 2000 transmission circuit feet. Magnetic field modeling is not required.
None (see exemptions § 3.4)	Relocation less than 2000 ft : Relocation of poles and/or towers involving less than 2000 feet of transmission line(s).	Minor relocation of facilities is limited in scope and does not provide significant opportunity to implement magnetic field reduction measures.
ž	<u>Reconductoring less than 2000 ft.</u> : Replacement only of existing conductors and/or insulators with new conductors and/or insulators.	Replacement of existing transmission line conductors is limited in scope and does not provide significant opportunity to implement magnetic field reduction measures.
	Pole-head Re-Configuration less than 2000 ft.: Pole-head reconfiguration involving 2000 feet or less of a transmission line(s) will not require a FMP.	Pole-head reconfiguration involving 2000 feet or less of a transmission line(s) will not require a FMP.
	Maintenance: All maintenance work that does not materially change the design or overall capacity of the transmission line, including the one-for-one replacement of hardware, equipment, poles or towers. Safety and Protective Devices: The addition of current transformers, potential transformers, switches, power factor correction, fuses, etc. to existing overhead, pad-mount, or underground circuits.	Maintenance work is limited in scope and does not provide significant opportunity to implement magnetic field reduction measures. The addition of protective equipment or power factor correction to existing transmission circuits is limited in scope and does not provide significant opportunity to implement magnetic field reduction measures.
	Emergency Repairs: All emergency work required to restore service or prevent danger to life and property.	This work is performed on existing facilitie under emergency conditions and does not involve redesign.

Table 3-1 Criteria to Determine Whether an FMP is Required

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Table 3-1 Criteria to Determine Whether an FMP is Required		
FMP Type Required	Type of Work	FMP Criteria
	Substation (Rated 50 k)	V and above)
Checklist FMP	New Substations: The construction of a new substation having a rated high side voltage of 50kV or above.	The construction of a new substation will incorporate no-cost and low-cost magnetic field reduction measures as outlined in §5. A no-cost and low-cost checklist ²¹ will be used as a part of the FMP.
	<u>Major Upgrade with GO 131-D</u> : Major reconstruction of an existing substation that involves the installation of <u>additional</u> transformers to achieve an increased rated capacity and that requires permitting under GO 131-D.	All major upgrade of existing substations will require evaluations of no-cost and low- cost magnetic field reduction measures as outlined in §5, unless otherwise exempted under § 3.4. A no-cost and low-cost check list may be used.
	Major Upgrade without GO 131-D: Major upgrade of an existing substation that involves the installation of <u>additional</u> transformers to achieve an increased rated capacity and that does not require permitting under GO 131-D.	Major substation upgrade projects involving the addition of new transformers but not requiring GO 131-D permitting may use a no-cost and low-cost check list only. The 'no-cost and low-cost' will be limited to an evaluation of magnetic field reduction measures applicable to the transmission get- away ²² and to the location of the new transformers so as to maximize the distance from the transformers to the substation fence.

 ²¹ See Section 5 for more information about no-cost and low-cost check lists for substation projects.
 ²² This can be a part of Transmission FMP.

FMP Type Required	Type of Work	FMP Criteria
None (see exemptions § 3.4)	Reconstruction without installation of additional transformers : This includes, for example, the installation of additional switchgear, line or bank positions, power factor correction capacitors, underground circuits and overhead circuits.	The addition of switchgear or other apparatus is limited in scope and does not provide significant opportunity to implement magnetic field reduction measures.
	Direct Replacement : The direct replacement of substation equipment, even if the new equipment has a different capacity rating.	The direct replacement of substation equipment is limited in scope and does not provide significant opportunity to implement magnetic field reduction measures.
	Maintenance: All maintenance work that does not materially change the design of the substation.	Maintenance work is limited in scope and does not provide significant opportunity to implement magnetic field reduction measures.
1477	Emergency Repairs: All emergency work required to restore service or prevent danger to life and property.	This work is performed on existing facilities under emergency conditions and does not involve redesign.
	Distribution Project (Rated	l less than 50 kV)
None	Construction or reconstruction of distribution lines with voltages less than 50 kV.	Each electric utility's distribution construction and design standards incorporates magnetic field reduction measures for distribution lines.

3.4 **Projects Exempt from the FMP Requirement**

The CPUC, in Decision 93-11-013, recognized that some flexibility was required in the EMF Design Guidelines. In section 3.4.2 of the Decision, the CPUC stated: "Electric utility management should have flexibility to modify the guidelines and to incorporate additional concepts and criteria as new EMF information becomes available. However, if the EMF Design Guidelines are to be truly used as guidelines, the utilities should incorporate criteria which justify exempting specific types of projects from the guidelines."

The following criteria to determine those transmission and substation projects <u>exempted</u> from the requirement for consideration of no-cost and low-cost magnetic field reduction measures:

- 1. Emergency
 - All work required to restore service or remove an unsafe condition.
- 2. Operation & Maintenance
 - Washing and switching operations.
 - Replacing cross-arms, insulators, or line hardware.
 - Replacing deteriorated poles.
 - Maintaining underground cable and vaults.
 - Replacing line and substation equipment with equipment serving the same purpose and with similar ratings.
 - Repairing line and substation equipment.
- 3. Relocations
 - Line relocation of up to 2000 feet.
 - Installation of guy poles or trenching poles only.
- 4. Minor Improvements
 - Addition of safety devices.
 - Reconductoring up to 2000 feet, where changing pole-head configuration is not required.
 - Installation of overhead switches.
 - Insulator replacement.
 - Modification of protective equipment and monitoring equipment.
 - Intersetting of additional structures between existing support structures.
- 5. Projects located exclusively adjacent to undeveloped land—including land under the jurisdiction of the National Park Service, the State Department of Parks and Recreation, U.S. Forest Service, or Bureau of Land Management (BLM).

3.5 Prioritizing Within and Between Land Use Classes

The CPUC stated in Decision 06-01-042, "[a]lthough equal mitigation for an entire class is a desirable goal, we will not limit the spending of EMF mitigation to zero on the basis that not all class members can benefit."²³

While Decision 06-01-042 directs the utilities to favor schools, day-care facilities and hospitals over residential areas when applying low-cost magnetic field reduction measures, prioritization within a class can be difficult on a project case-by-case basis because schools, day-care facilities, and hospitals are often integrated into residential areas, and many licensed day-care facilities are housed in private homes that can be easily moved from one location to another. Therefore, utilities may group public schools, licensed day-care centers, hospitals, and residential together to receive highest prioritization for low-cost magnetic field reduction measures. Commercial and industrial areas may be grouped as a second priority group, followed by recreational and agricultural areas as the third group. Low-cost magnetic field reduction measures will not be considered for undeveloped land such as open space, state and national parks, Bureau of Land Management and National Forest Service Land.

When spending for low-cost measures would otherwise disallow equitable magnetic field reduction for all areas within a single land-use class, prioritization can be achieved by considering location and/or density of permanently occupied structures on lands adjacent to the projects, as appropriate.

²³ Ibid., p. 10

4 Field Management Plans for Transmission Lines

Construction of a new transmission line or the major upgrade of an existing transmission line, if they require GO-131D permitting, or the relocation of 2000 feet or more of an existing transmission line will require the preparation of a FMP; refer to § 3.3 to determine if a Detailed FMP (or Basic FMP) is needed; refer to § 3.4 for exemption criteria.

Transmission FMPs should include the following sections:

1

- Project Description;
- Evaluation of No-Cost Magnetic Field Reduction Measures;
- Evaluation of Low-Cost Magnetic Field Reduction Measures; and
- Recommendations including a table showing magnetic field reduction measures.

In addition to these requirements, a two-dimensional (2D) magnetic field model is required for a Detailed FMP.

4.1 **Project Description**

The project description portion of the transmission line FMP will include the following:

- For a Detailed FMP, the proposed line route should be shown on an attached project map illustrating the transmission line route, alternative line route (if applicable), and major streets and highways. A Basic FMP should briefly describe the scope of work including the line route;
- Description of land use adjacent to the line route for both Basic and Detailed FMPs;
- Circuit name and rated voltage, and circuit phasing if more than one circuit is present in the same corridor for both Basic and Detailed FMPs (rated 50 kV and above);
- Description of proposed design. For a Detailed FMP, include circuit configuration, and minimum ground clearance for overhead design. For a Basic FMP, include circuit configuration. For underground facilities (for both Detailed FMP or Basic FMP), show the depth and configuration of duct bank;
- Include estimated total project costs for proposed design.(for a Detailed FMP).

4.2 Two-Dimensional Magnetic Field Modeling for Transmission Lines

The purpose of magnetic field modeling is to evaluate relative effectiveness of various magnetic field reduction measures, not to predict magnetic field levels, as the CPUC recognized in Decision 06-01-042:

"Utility modeling methodology is intended to compare differences between alternative EMF mitigation measures and not determine actual EMF amounts."²⁴

²⁴ Ibid., p. 20

"... the modeling indicates relative differences in magnetic field reductions between different transmission line construction methods, but does not measure actual environmental magnetic fields. In the same way, these relative differences in mitigation measures will be evident regardless of whether a maximum peak or a projected peak is used for the comparisons... It is also true that post construction measurement of EMF in the field cannot indicate the effectiveness of mitigation measures used as it would be extremely difficult to eliminate all other EMF sources."²⁵

Two-dimensional magnetic field software can be used to evaluate the magnetic field characteristics of the proposed construction and various magnetic field reduction alternatives. Estimates of magnetic field levels are calculated based on a specific set of conditions. Therefore, it is important to make logical assumptions as to what these conditions will be and to keep these calculation conditions consistent when comparing two or more different cases.

Typical two-dimensional magnetic field modeling assumptions include:

- The line will be considered operating at forecasted design load;
- Magnetic field strength is calculated at a height of three feet above ground (assuming flat terrain);
- Resultant magnetic fields are being used;
- All line loadings are considered as balanced (i.e. neutral or ground currents are not considered);
- The line is considered working under normal operating conditions (emergency conditions are not modeled);
- Terrain is flat;
- Dominant power flow directions are being used; and
- Contribution of shield wire currents is not included.

²⁵ Ibid., p. 11

5 Field Management Plans for Substations

Construction of a new substation rated 50 kV and above or the major upgrade of an existing substation rated 50 kV and above will require the preparation of a substation FMP in a form of a check list (see example in Table 5-1). Magnetic field modeling for the substation project is not required.

A major upgrade for purposes of these Guidelines means the expansion of an existing substation through the addition of transformer bank(s) or new transmission line(s). "One-for-one" replacement of substation transformers, circuit breakers, or other apparatus does not constitute an major upgrade for purposes of these Guidelines, even if that replacement results in an increase in rated capacity. The addition of instrumentation, control, or protection equipment does not constitute a major upgrade. Refer to § 3.3 to determine if a substation FMP is needed, and to § 3.4 for exemption criteria.

Generally, magnetic field values along the substation perimeter are low compared to the substation interior because of the distance to the energized equipment. Normally, the highest values of magnetic fields around the perimeter of a substation are caused by overhead power lines and underground duct banks entering and leaving the substation, and not by substation equipment. Therefore, the magnetic field reduction measures generally applicable to a substation project are as follows:

- Site selection for a new substation;
- Setback of substation structures and major substation equipment (such as bus, transformers, and underground cable duct banks, etc.) from perimeter;
- Lines entering and exiting the substation (this will be a part of a transmission line FMP).

The Substation Checklist FMP evaluates the no-cost and low-cost measures considered for the substation project, the measures adopted, and reasons that certain measures were not adopted. An example Substation check list is shown below:

No.	No-Cost and Low-Cost Magnetic Field Reduction Measures Evaluated for a Substation Project	Measures Adopted? (Yes/No)	Reason(s) if not Adopted
1	Keep high-current devices, transformers, capacitors, and reactors away from the substation property lines.		
2	For underground duct banks, the minimum distance should be 12 feet from the adjacent property lines or as close to 12 feet as practical.		
3	Locate new substations close to existing power lines to the extent practical.		
4	Increase the substation property boundary to the extent practical.		
5	Other:		

Table 5-1 Example of Substation Checklist for a FMP

6 California Department of Education's (CDE) Criteria for Siting New Schools Adjacent to Electric Power Lines Rated 50 kV and Above

The California Department of Education evaluates potential school sites under a range of criteria, including environmental and safety issues. Proximity to high-voltage power transmission lines²⁶ is one of the criteria. As the CPUC directed in Decision 06-01-042, the California investor-owned utilities worked with the CDE to align EMF Design Guidelines with the CDE's policies to the extent those policies were consistent with the CPUC's EMF Policy as stated in its Decision 06-01-042. As a result, the updated power line setback exemption guidelines were issued in May 2006. In revising its precautionary EMF approach, the CDE stated:

"The proposed guidance acknowledges the scientific uncertainty of the health effects of EMFs, the lack of any state or nationally established standard for EMF exposure, and the PUC's recently reconfirmed reliance upon no/low-cost measures targeted to only reduce fields from new power transmission lines."²⁷

CDE has established the following "setback²⁷" limits for locating any part of a school site property line near the edge of easements for any overhead power lines rated 50 kV and above:

- 100 Feet for 50 133 kV Power Lines (interpreted by CDE up to 200 kV)
- 150 Feet for 220 230 kV Power Lines
- 350 Feet for 500 550 kV Power Lines

For underground power lines rated 50 kV and above, the CDE's setback distances are as follows:

- 25 feet for 50-133 kV line (interpreted by CDE up to 200 kV)
- 37.5 feet for 220-230 kV line
- 87.5 feet for 500-550 kV line

School districts that have sites which do not meet the CDE's setbacks may still obtain construction approval from the state by submitting an exemption application. Generally, school districts hire independent consultants who are familiar with the process to complete CDE's application requirements.

²⁶ School Site Selection and Approval Guide, California Department of Education

²⁷ "Power Line Setback Exemption Guidance - May 2006" by the California Department of Education

ATTACHMENT "B"



AUTHORITY TO CONSTRUCT EASTERN KERN AIR POLLUTION CONTROL DISTRICT

Administrative Office: 2700 "M" Street Suite 302, Bakersfield, CA 93301 Phone: (661) 862-5250 • Fax: (661) 862-5251 • ekapcd@kerncounty.com Tehachapi Field Office: Phone: (661) 823-9264 • Fax: (661) 823-0167

ISSUE DATE: JULY 27, 20XX **APPLICATION NO.:**

E0400XX

EXPIRATION: JULY 27, 20XX DATE:

MARCH 5, 20XX

AUTHORITY TO CONSTRUCT IS HEREBY GRANTED TO:

SOLAR COMPANY, LLC

If this AUTHORITY TO CONSTRUCT is reissued to a new owner, any emissions increase assigned to this equipment during the initial New Source Review Process remains with initial bearer of this document.

AUTHORITY TO CONSTRUCT IS HEREBY GRANTED FOR:

100 Acre (10-MW) Commercial Solar Power Generating Facility

(See attached sheets for equipment description and conditions) Т R S 32S

37E

SW11

Location: 123 Mojave Desert Rd, Kern County, CA Startup Inspection

This document serves as a temporary Permit to Operate only as provided by Rule 201 of the District's Rules and Regulations. For issuance of a Permit to Operate, Rule 208 requires equipment authorized by this Authority to Construct be installed and operated in accordance with conditions of approval. Changes to these conditions must be made by application and must be approved before such changes are made. This document does not authorize emission of air contaminants in excess of New Source Review limits (Rule 210.1) or Regulation IV emission limits. Emission testing requirements set forth on this document must be satisfied before a Permit to Operate can be granted.

UPON COMPLETION OF CONSTRUCTION AND/OR INSTALLATION, PLEASE TELEPHONE DISTRICT

Validation Signature:

Glein E. Stephens, P.E. Air Pollutian Control Officer

ATC E040001	Page 2
(continued)	of
	3 Pages

CONDITIONS OF APPROVAL:

Pursuant to Rule 209, "conditional approval" is hereby granted. Please be aware compliance with all conditions of approval imposed by any applicable Authority to Construct remain in effect for life of project, unless modified by application.

EQUIPMENT DESCRIPTION: 100-Acre (10-MW) Commercial Solar Power Generating Facility, including following equipment and design specifications:

100 Acres of land with photovoltaic solar panels generating 10-MW of electricity.

NOTIFICATION REQUIREMENTS:

In accordance with District Rule 201.II (Permits Required), a person shall notify the Control Officer before operating or using equipment granted in this Authority to Construct. This Authority to Construct shall serve as a temporary Permit to Operate only after such notification. Such notification shall be completed in writing. Intent to Use Notification form is available at the District website: <u>http://www.kernair.org/Main_Pages/Subpages/Forms_Sub/Application_Forms.html</u>. Form can be mailed to the District Administrative Office at: 2700 "M" Street Suite 302, Bakersfield, CA 93301, e-mailed to the District at the following address: <u>ekapcd@kerncounty.com</u>, or sent by FAX to the District at: (661) 862-5251.

OPERATIONAL CONDITIONS:

- 1. Facility shall participate in Air Monitoring Network proposed by American Ecotech. (Rule 210.1)
- 2. Air monitoring equipment shall be installed according to the proposed Air Monitoring Network. (Rule 210.1)
- 3. Visible emissions leaving property boundary of this facility shall not exceed 10% opacity or Ringelmann No. ¹/₂ except for not more than three minutes in any one-hour. (Rule 210.1 BACT Requirement)
- 4. If wind exceeds 25 mph, condition 3 shall not apply in accordance with approved Fugitive Dust Control Plan. (Rule 402)
- 5. Facility shall be maintained with Reasonable Available Control Measures (RACM) described in Fugitive Dust Control Plan in order to reduce, limit, or mitigate fugitive dust emissions. (Rule 402)
- 6. Equipment shall be maintained according to manufacturer's specifications to ensure compliance with emissions limitations. (Rules 210.1 BACT Requirement)
- 7. Compliance with all operational conditions shall be verified by appropriate record keeping, including records of operational data needed to demonstrate compliance. Such records shall be kept on site in readily available format. (Rule 210.1)
- No emission resulting from use of this equipment shall cause injury, detriment, nuisance, annoyance to or endanger comfort, repose, health or safety of any considerable number of persons or public. (Rule 419 and CH&SC Sec 41700)

STATE OF CALIFORNIA AIR TOXICS HOT SPOTS REQUIREMENTS:

Facility shall comply with California Health and Safety Code Sections 44300 through 44384. (Rule 208.1)

COMPLIANCE TESTING REQUIREMENTS:

Should inspection reveal conditions indicative of non-compliance, compliance with any emission limitations shall be verified within 60 days of District request. Test results shall be submitted to the District within 30 days after test completion. (Rule 108.1 and 209)

ATC E040001	Page 3
(continued)	of
`	3 Pages

EMISSION LIMITS:

Emission rate of each air contaminant from this facility shall not exceed following limits:

Particulate Matter (PM10):	0.004 0.102 0.019	
	0.019	tonygean

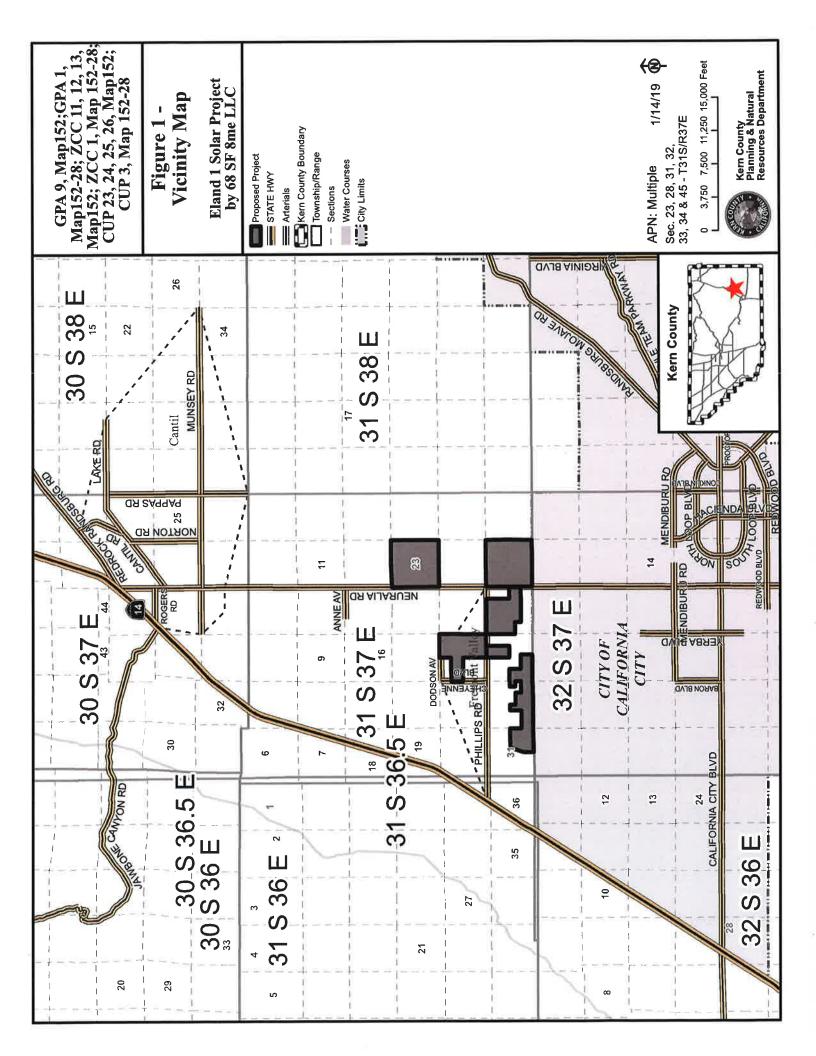
(Emission limits established pursuant to Rule 210.1, unless otherwise noted.)

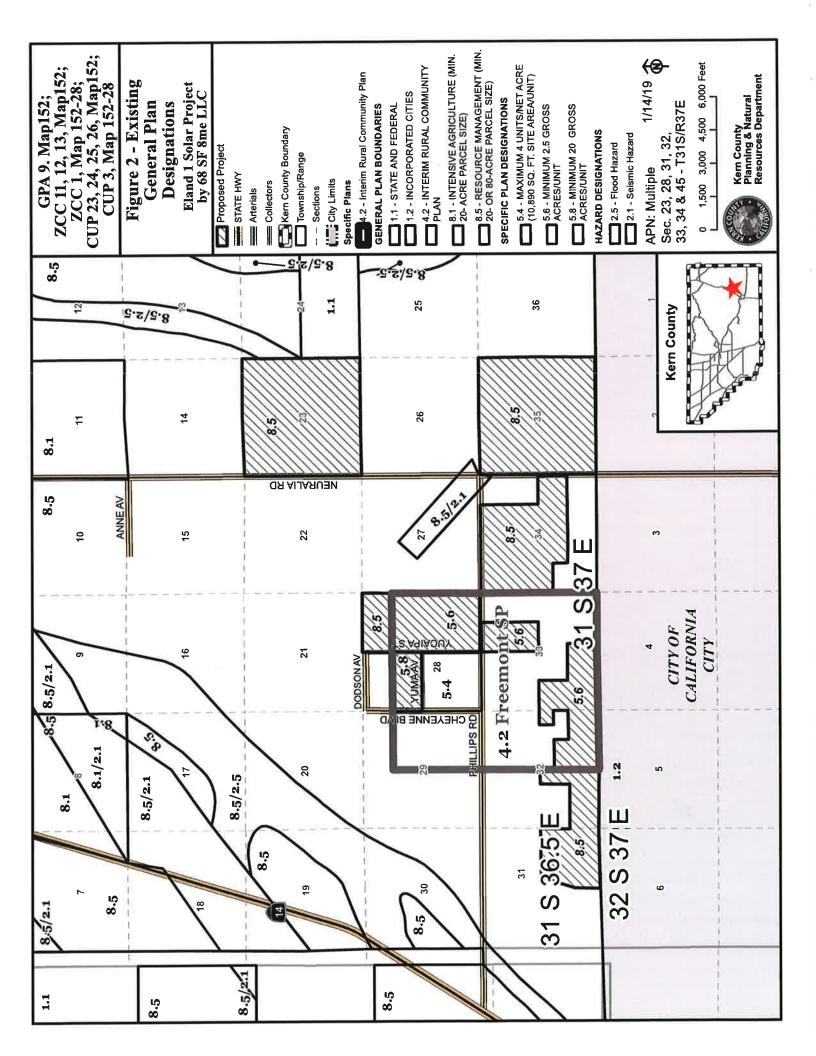
Compliance with daily emission limits shall be verified by record keeping (Air Monitoring Network). Compliance with annual emission limits shall be demonstrated by records which sum facility emissions on a quarterly basis. All records shall be kept on site and made readily available to District personnel upon request. (Rules 209 and 210.1)

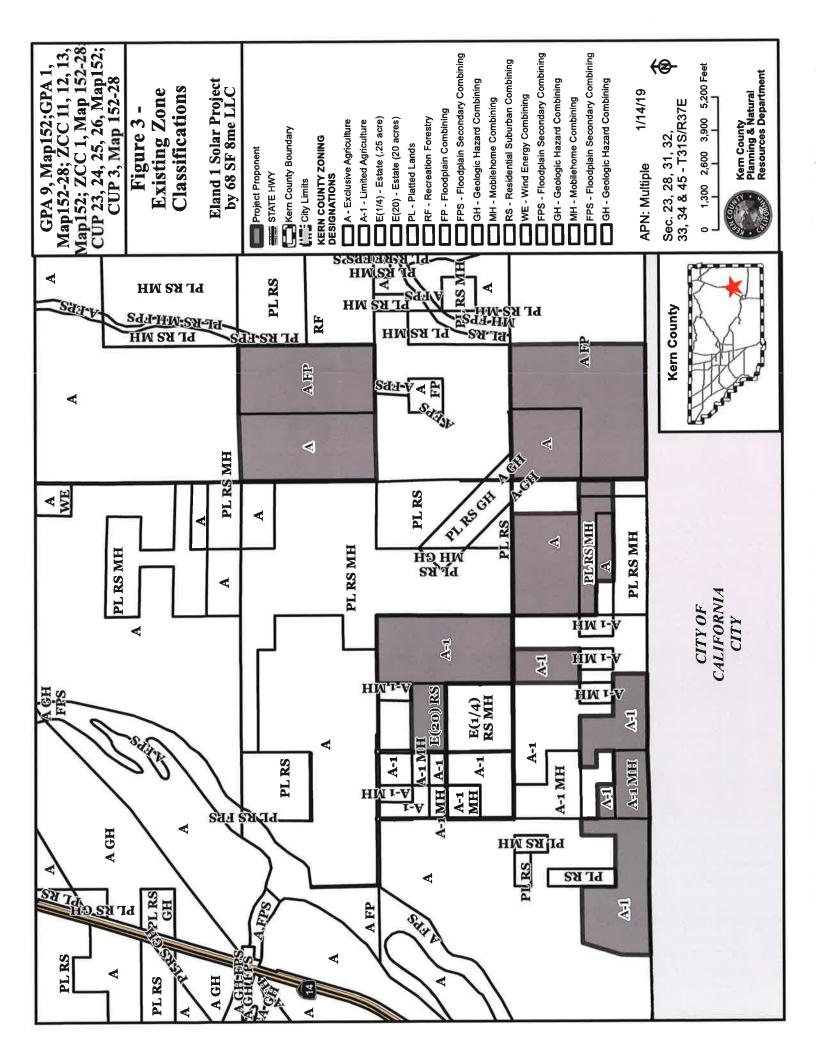
SPECIAL CONDITIONS:

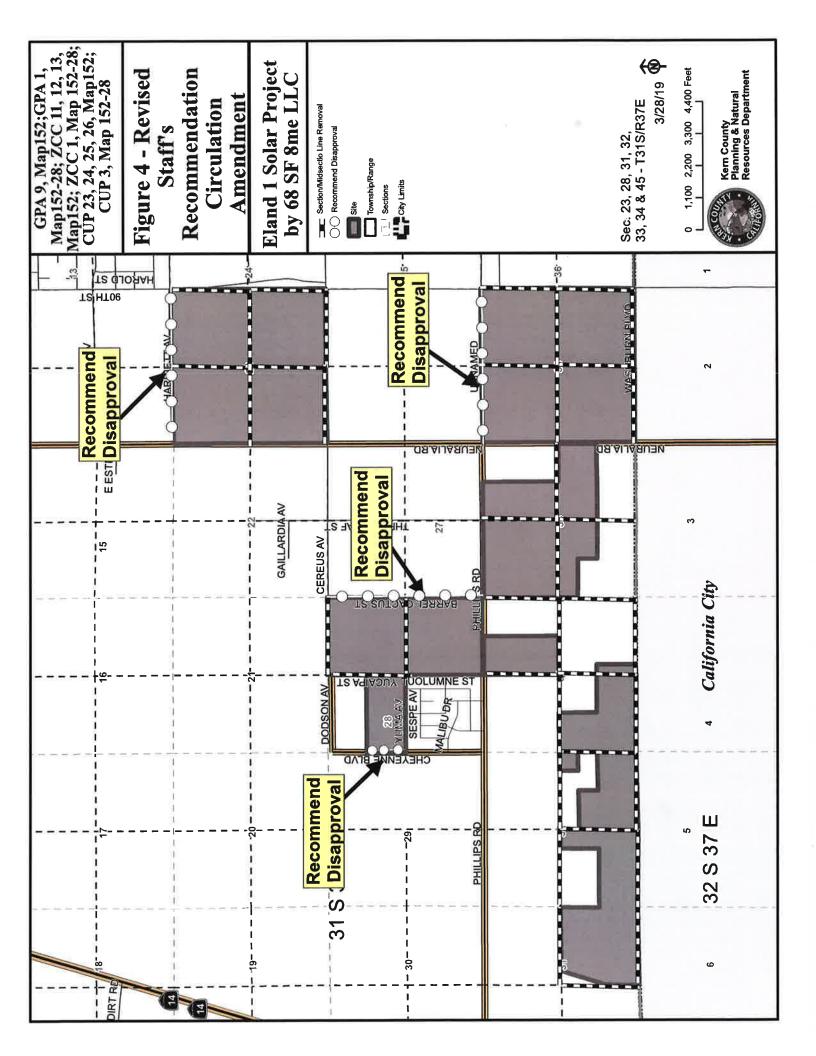
- aa. An owner/operator of solar facility may petition to cancel District PTO, given/5-years of "clean data" (upwind/downwind concentration difference is 50-μg/m³ or less {based on one-hour averages}). (Rule 210.1)
- bb. Air monitoring equipment is allowed to have up to seven (7) days of downtime for maintenance/breakdowns per calendar quarter. (Rule 210.1)
- cc. No more than 24 hours of exceedances (concentration differences greater than 50-μg/m³) are allowed within a calendar quarter. (Rule 210.1)

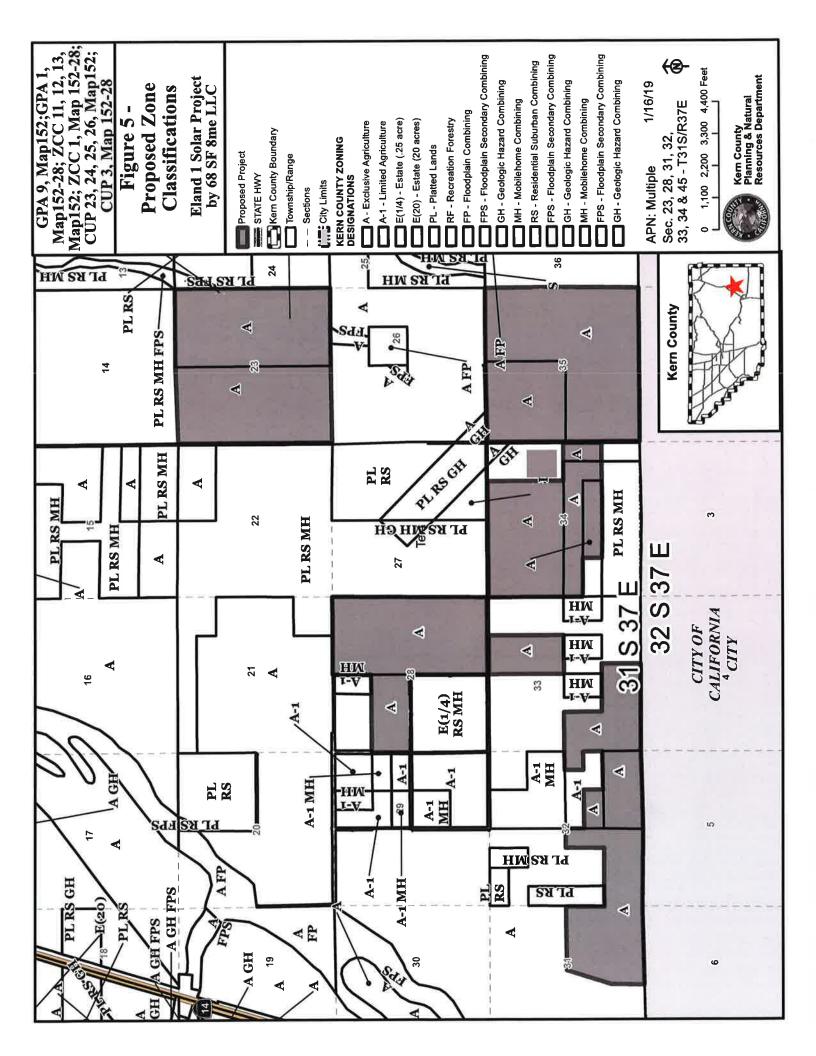
Maps











Public Comments

Office Memorandum KERN COUNTY

- To: Planning and Natural Resources Department Carlos Rojas
- From: Public Works Department Floodplain Management Section Kevin Hamilton, by Brian Blase

Phone: (661) 862-5098 Email: BlaseB@kerncounty.com

Date: March 21, 2019

Subject: Notice of Public Hearing – Board of Supervisors Eland 1 Solar Project Zone Classification Change #11, 12, 13, Map #152 Zone Classification Change #1, Map #152-28 General Plan Amendment #9, Map #152 General Plan Amendment #1, Map #152-28 Conditional Use Permit #23, 24, 25, 26, Map #152 Conditional Use Permit #3, Map #152-28

Our section has reviewed the attached subject documents and has the following comments:

The runoff of storm water from the site will be increased due to the increase in impervious surface generated by the proposed development.

The subject property is subject to flooding.

Therefore, this section recommends the following be included as conditions of approval for this project:

The applicant shall provide a plan for the disposal of drainage waters originating on site and from adjacent road right-of-ways (if required), subject to approval of the Public Works Department.

Associated flood hazard requirements will need to be incorporated into the design of this project per the Kern County Floodplain Management Ordinance.

COUNTY OF KERN PUBLIC WORKS DEPARTMENT Office Memorandum

March 11, 2019

- To: Lorelei Oviatt, Director Planning and Natural Resources Department Attn: Carlos Rojas, Planner 3
- From: Warren D. Maxwell, Development Review Engineer Administration and Engineering Division
- Subject: 7-8.5c General Plan Amendment #9, Map 152 7-8.5c General Plan Amendment #1, Map 152-28 7-5.2 Zone Change Case #11, Map 152 7-5.2 Zone Change Case #12, Map 152 7-5.2 Zone Change Case #13, Map 152 7-5.2 Zone Change Case #1, Map 152-28 7-5.3 Conditional Use Permits #23, #24, #25, #26, Map 152 7-5.3 Conditional Use Permit #3, Map 152-28 (South of Munsey Road, east and west of Neuralia Road, east of State Route (SR) 14, north and south of Phillips Road, in the unincorporated Kern County, southeast of the unincorporated community of Cantil, and immediately north of California City.)

This Department has reviewed the subject project and has recommends the following:

- 1. Support the proposed amendment of the circulation element to delete the section and mid-section line road reservations, except for the following, as they are needed for future circulation in the area.
 - a) Cheyenne Boulevard
 - b) Yucaipa Street
 - c) Barrel Cactus Street
 - d) Phillips Road
 - e) Harriet Avenue
- 2. Under Encroachment Permit, issued by the Kern County Public Works Department, construct paved private road approaches at the entrances of the proposed solar project that intersects any County roadway. This will be done in consultation with the Public Works Department.
- 3. All easements shall be kept open, clear, and free from buildings and structures of any kind pursuant to Chapters 18.50 and 18.55 of the Kern County Land Division Ordinance. All obstructions, including utility poles and lines, trees, pole signs, fences, or similar obstructions, shall be removed from the ultimate road rights-ofway. Compliance with this requirement is the responsibility of the applicant and may result in significant financial expenditures.

Thank you for the opportunity to comment on this project. If you have any questions or comment, please contact Paul Candelaria of this Department.



California Department of Conservation

Division of Oil, Gas, and Geothermal Resources

Gavin Newsom, Governor David Bunn, Director 801 K Street, MS 18-05 Sacramento, CA 95814 T: (916) 445-9686

02/15/2019

County: Kern - Kern County Planning and Natural Resources Department Mario Ortiz 4800 Stockdale Highway, Suite 417, Bakersfield, CA 93309, USA Mario.Ortiz@conservation.ca.gov

Construction Site Well Review (CSWR) ID: 1011535

Assessor Parcel Number(s): 46903001, 47002011, 47002012, 47002013, 47002008, 47033012, 47033005, 47033013, 47033009, 47033011, 47031201, 47031202, 47032214, 47032118, 47032119, 47008001, 47008002, 47008007, 47008013, 47008009, 47008012, 47001011, 47001012, 47008005, 47008006, 47008004, 47008011, 47008003, 47008014, 47008008, 47008010, 33001001

Property Owner(s): Eland 1 Solar Project by 68SF 8me, LLC

Project Location Address: Multiple APN's, California City, California, 93505

Project Title: Eland 1 Solar Project by 68SF 8me, LLC (PP18211), Multiple APN's, Township 31S Range 37E, Section 23

Public Resources Code (PRC) § 3208.1 establishes well reabandonment responsibility when a previously plugged and abandoned well will be impacted by planned property development or construction activities. Local permitting agencies, property owners, and/or developer should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near oil, gas, and geothermal wells.

The Division of Oil, Gas, and Geothermal Resources (Division) has received and reviewed the above referenced project dated 2/8/2019. To assist local permitting agencies, property owners, and developers in making wise land use decisions regarding potential development near oil, gas, or geothermal wells, the Division provides the following well evaluation.

The project is located in Kern County, within the boundaries of the following fields:

Our records indicate there are 0 known oil or gas wells located within the project boundary as identified in the application.

- Number of wells Not Abandoned to Current Division Requirements as Prescribed by Law and Projected to Be Built Over or Have Future Access Impeded by this project: 0
- Number of wells Not Abandoned to Current Division Requirements as Prescribed by Law and Not Projected to Be Built Over or Have Future Access Impeded by this project: 0
- Number of wells Abandoned to Current Division Requirements as Prescribed by Law and Projected to Be Built Over or Have Future Access Impeded by this project: 0
- Number of wells Abandoned to Current Division Requirements as Prescribed by Law and



California Department of Conservation Division of Oil, Gas, and Geothermal Resources

Not Projected to Be Built Over or Have Future Access Impeded by this project: 0

As indicated in PRC § 3106, the Division has statutory authority over the drilling, operation, maintenance, and abandonment of oil, gas, and geothermal wells, and attendant facilities, to prevent, as far as possible, damage to life, health, property, and natural resources; damage to underground oil, gas, and geothermal deposits; and damage to underground and surface waters suitable for irrigation or domestic purposes. In addition to the Division's authority to order work on wells pursuant to PRC §§ 3208.1 and 3224, it has authority to issue civil and criminal penalties under PRC §§ 3236, 3236.5, and 3359 for violations within the Division's jurisdictional authority. The Division does not regulate grading, excavations, or other land use issues.

If during development activities, any wells are encountered that were not part of this review, the property owner is expected to immediately notify the Division's construction site well review engineer in the Inland district office, and file for Division review an amended site plan with well casing diagrams. The District office will send a follow-up well evaluation letter to the property owner and local permitting agency.

Should you have any questions, please contact me at (661) 334-3650 or via email at Emily.Loera@conservation.ca.gov

Sincerely,

Cameron Campbell

District Deputy

Carlos Rojas

From:	Lopez, Luisa@DOT <luisa.lopez@dot.ca.gov></luisa.lopez@dot.ca.gov>	
Cent:	Tuesday, February 12, 2019 11:12 AM	
(t	Carlos Rojas	
Cc:	Mendibles, Lorena@DOT	
Subject:	GPA #9, MAP #152; GPA#1, MAP #152-28; ZCC #11, MAP #152 ZCC#12, MAP#152; ZCC	
	#13, MAP #152; ZCC #1, MAP #152-28; CUP#23, MAP#152; CUP#24, MAP#152; CUP #	
	25, MAP#152; CUP #26, MAP#3, MAP#152-28	

Good morning Carlos,

Caltrans has no comment for project referenced above.

Respectfully,

Luisa Lopez, Transportation Planner California Department of Transportation 1352 W. Olive Avenue P.O. Box 12616 Fresno, CA 93778-2616 (559) 444-2583

Mike Campisi Pipeline Planning Assistant

> 9400 Oakdale Ave Chatsworth, CA 91311

> > Tel: 213-231-6081



February 25, 2019

Carlos Rojas Kern County Planning and Natural Resources Department 2700 "M" Street, Suite 100 Bakersfield, CA 93301 CRojas@kerncounty.com

Subject: Eland 1 Solar Project by 68SF 8me LLC (PP18211)

DCF: 0162-19NC129

The Transmission Department of SoCalGas does not operate any facilities within your proposed improvement. However, the Distribution Department of SoCalGas may maintain and operate facilities within your project scope.

To assure no conflict with the Distribution's pipeline system, please e-mail them at:

NorthwestDistributionUtilityRequest@semprautilities.com

Sincerely,

Mike Campisi Pipeline Planning Assistant SoCalGas Transmission Technical Services SoCalGasTransmissionUtilityRequest@semprautilities.com

Carlos Rojas

From: Sent: : Subject: Yvonne Wooten <ywooten@charter.net> Thursday, February 21, 2019 10:07 AM Carlos Rojas Solar Project

RE: CUP#23 Map #152

Mr. Rojas,

We have tried to contact you on several occasions for clarification of the project and did not receive a response.

Part of the project is on our land, CUP#23, Map #152. We have not received any information from the solar company requesting our property and we object to the project going forward.

1

Please contact us.

Thank you

ywooten@charter.net

James & Yvonne Wooten 638 S. Cajon Av West Covina, CA 91791 (626) 332-0118

With the s

Kern County Planning & Natural Resources Department 2700 "M" Street, Suite# 100 Bakersfield, CA 93301-2323

RECEIVED

MAR 1 2 2019

28 February 2019

To whom it may concern;

Kern County Plenning & Natural Resources Dupt.

In response to the letter from the Kern County Planning & Natural Resources Department letter receive date, 04 February 2019.

Our concerns are how will this affect us? We bought this property when it was an agricultural area and today it is being changed to an electrical power producer's area.

These are our concerns.

- To the Kern County Planning & Natural Resources Department if one of these issues occur do we need to talk now or when it happens?
- How will this affect us and our families?
- Experts have said that living close and surrounded by high voltage is not healthy and may cause cancer.
- We will be living surrounded, enclosed with metal, high voltage of electrical cables.
- Our property will lose its value.
- Our future the loss of our view and scenery will stop our town from growing.
- Our environment will be affected with the glares, dust and sandy winds.
- The wildlife, beautification and tranquility of the desert will disappear.

Recognize that we lived and home settled first before the Electrical Producers got here!

Thank you, Oscar Quintana Patricia Cobos 26411 Yucaipa Street Resident of Fremont Valley Mojave, CA 93501 March 14, 2019

Kern County Planning & Natural Resources Dept. Attn: Carlos E. Rojas, Planner III

Re: Notice of a Supplemental Environmental Impact Report Eland I Solar Project by 68SF 8meLLC(PP18211) and Amended Notices

My name is Kenneth Blanton of Coldwell Banker, Preferredd Realtors. I represent Gary Guinn, the executor of the Ethel K. Guinn Estate.

I am here to register Mr. Guinn's opposition to the proposed solar project regarding his properties located in the Fremont Valley area of California City, CA. The lots are as follows:

#1 – APN#470-271-02 on Morongo Street #2 – APN#470-262-14 on Sonoma Street #3 – APN#470-251-14 on Phillips Road

Mr. Guinn and I have met several representatives of the project, once in person and with many phone contacts. They have presented us with their many plans and Mr. Guinn still feels that the project will render his lots valueless for building a residence on any of them. His family has owned these lots for over 30 years and has paid taxes on them. He still opposes the project

Thank you for your consideration.

KENNETH BLANTON, REALTOR COLDWELL BANKER, PREFERRED 9100 MING AVENUE, SUITE 100 BAKERSFIELD CA 93311 661-805-3702

Carlos Rojas

From:	CY CLONE <storminn43@hotmail.com></storminn43@hotmail.com>			
Sent:	Tuesday, March 26, 2019 2:00 PM			
То:	Carlos Rojas			
Subject:	ELAND 1 SOLAR PROJECT			

I spoke with you yesterday regarding some of my concerns. (I own lot 302-341-02-00-3). It has been in our family over 40 years

and we have been paying all our taxes and fees with plans of retiring into that area. However, it now appears to me that **BIG CORPORATION MONEY AND GOVERNMENT DECISIONS** ARE going to ruin any chance we may have had to retire there.

It would appear to me that I have the **adjoining property** to this solar farm. Furthermore, when this property was being sold in the 70's

we were given **ROAD RESERVATIONS** though out our plats to ensure access. Now you are proposing **eliminating them** to my property as well as access to many other properties. So I ask you, is this really providing a **better quality of life for our Kern County residents? NO.** A better quality of life is one of Kern Counties goals..... Think about it. Is everyone being treated fairly?

So what are my options? I will seemingly have a landlocked 11 acre parcel without any legal access. Therefore, if this project is approved I will be forced to join in with my neighbors and begin legal action to protect our property rights and property values.

If I was in charge, of this new development, I WOULD REQUIRE NEW INFRASTRUCTURE OF ROADS, SEWER AND WATER BE CONSTRUCTED TO THEIR SOLAR FARMS. This could be paid for out of their \$1,000,000.00 maybe\$ 1,000,000.00 they will be collecting annually. Just think what would happen? Property owners would have some affordable city services to connect to and develop on their own in stead of JUST THE BIG CORPORATION MONEY.... I could see that creating a better quality of LIFE FOR KERN COUNTY.

Thanks for considering my concerns...... NORMAN KENAGY...... 3/26/2019

MOU

MEMORANDUM OF UNDERSTANDING AND AGREEMENT

FOR

PERFORMANCE OF ZONING ORDINANCE AND MITIGATION MEASURES AS ENVIRONMENTAL RESTRICTIONS

(Kern County – Property Owner- Lessee-Operator)

THIS AGREEMENT, made and entered into this day of _____2019 by and between the COUNTY OF KERN, a political subdivision of the State of California (hereinafter "County") 68SF 8me LLC; (hereinafter collectively referred to as "Property Owner-Operator").

WITNESSETH:

WHEREAS, in consideration of the COUNTY's approval of the Eland 1 Solar Project commercial solar project, (a) General Plan Amendment Case No. 9, Map 152; General Plan Amendment Case No. 1, Map 152-28; (b) Amendment of Zoning Map No. 152, Zone Change Case No. 11; Amendment of Zoning Map No. 152, Zone Change Case No. 12; Amendment of Zoning Map No. 152, Zone Change Case No. 13; (c) Conditional Use Permit No. 23, Map No. 152; Conditional Use Permit No. 24, Map No. 152; Conditional Use Permit No. 25, Map No. 152; Conditional Use Permit No. 26, Map No. 152; Conditional Use Permit No. 3, Map 152-28; and in satisfaction of the condition of Project approval requiring a contractual mechanism to assure that all provisions of the zoning ordinance and project approval CEQA mitigation measures, will be implemented, County and Property Owner-Operator now desires to enter into this Agreement.

NOW, THEREFORE, IT IS MUTUALLY AGREED between County and Property Owner-Operator as follows:

1. The Property Owner-Operator agrees to perform all mitigation measures that are contained in the adopted Mitigation Measure Monitoring Program, attached hereto as Exhibit "A", as they relate in any way to the development of a commercial solar project described above. The Property Owner-Operator obligations under this Agreement shall apply regardless of whether any other permits or entitlements are issued, except to the extent performance of such obligations is expressly prohibited under state or federal law. The obligations under this agreement, which shall not be amended absent prior written agreement of County and the Property Owner-Operator, shall be binding on all successors and assigns of the property described in Exhibit "B" hereto, and Property Owner-Operator agrees that they

shall so obligate all successors, assigns, transferees, and lessees. The provisions of all exhibits attached hereto are hereby incorporated in this Agreement by this reference as through fully set forth herein.

2. The Property Owner-Operator, successors, assigns, transferees, and lessees agree to be bound by all the requirements of the A (Exclusive Agriculture) Zoning ordinance and all other provisions of the Kern County Zoning Ordinance (Title 19), the adopted Final Supplemental Environmental Impact Report, and the adopted Mitigation Measure Monitoring Program (Exhibit A) and Conditional Use Permit conditions, (Exhibit C), regardless of any exemption under California Law.

3. All notices to Property Owner-Operator under this Agreement shall be deemed valid and effective five (5) calendar days following deposit in the United States mail, postage prepaid, by certified and/or registered mail, addressed to:

68SF 8me LLC c/o 8minutenergy Renewables LLC 250 Sutter Street, Suite 600 San Francisco, CA 94108

All notices to County under this Agreement shall be deemed valid and effective when personally served upon the Department of Planning and Natural Resources Director or upon deposit in the United States mail, postage prepaid, by certified and/or registered mail, addressed to the Director, Kern County Planning and Natural Resources Department, 2700 "M" Street, Suite 100, Bakersfield, California 93301.

4. This Agreement represents the complete understanding between the parties with respect to matters set forth herein.

5. The persons executing this Agreement on behalf of the Property Owner-Operator warrant and represent that they have the authority to execute this Agreement on behalf of the Property Owner-Operator 68SF 8me LLC, and warrants and represents that they have the authority to bind Property Owner-Operator to their performance hereunder.

6. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Agreement thereafter.

7. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element. Further, the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not by employed in interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

8. The obligations of Property Owner-Operator's successors, assigns, transferees, and lessees shall arise upon acquisition of any interest in real property in the 68SF 8me LLC, project site that will allow them to engage in any of the land uses allowed under; (a) General Plan Amendment Case No. 9, Map 152; General Plan Amendment Case No. 1, Map 152-28; (b) Amendment of Zoning Map No. 152, Zone Change Case No. 11; Amendment of Zoning Map No. 152, Zone Change Case No. 12; Amendment of Zoning Map No. 152-28, Zone Change Case No. 1; Amendment of Zoning Map No. 152, Zone Change Case No. 13; (c) Conditional Use Permit No. 23, Map No. 152; Conditional Use Permit No. 24, Map No. 152; Conditional Use Permit No. 25, Map No. 152; Conditional Use Permit No. 26, Map No. 152; Conditional Use Permit No. 3, Map 152-28.

IN WITNESS WHEREOF, the parties hereto have duly caused this Agreement to be executed on the date hereinabove first written.

RECOMMENDED FOR APPROVAL:

Project Owner/Operator - 68SF 8me LLC

Kern County Planning and Natural Resources Department

or ditte.

Thomas Buttgenbach, President

By:

Lorelei H. Oviatt, AICP, Director

.

APPROVED AS TO FORM:

Office of County Counsel

By:

By:

County Counsel

COUNTY OF KERN

By:

Chairman, Board of Supervisors

Exhibit A 15091 Findings of Fact

FINDINGS OF FACT IN SUPPORT OF FINDINGS RELATED TO SIGNIFICANT ENVIRONMENTAL IMPACTS

State CEQA Guidelines Section 15091

for

Eland 1 Solar Project

By 68SF 8me LLC

GPA 9, Map 152; GPA 1, Map 152-28; ZCC 11, Map 152; ZCC 12, Map 152; ZCC 1, Map 152-28; ZCC 13, Map 152; CUP 23, Map 152; CUP 24, Map 152; CUP 25, Map 152; CUP 26, Map 152; CUP 3, Map 152-28.

Final Environmental Impact Report

SCH# 2012011029

Lead Agency: Kern County Planning and Natural Resource Department

SECTION I. INTRODUCTION

The following findings of fact are based in part on the information contained in the Draft and Final Supplemental Environmental Impact Report (SEIR) for the Eland 1 Solar Project (project or proposed project), as well as additional facts found in the complete record of proceedings. The Final SEIR is hereby incorporated by reference and is available for review at the Kern County Planning and Natural Resource Department (Planning Department), 2700 M Street, Suite 100, Bakersfield, California 93301, during normal business hours, and is also available on the Planning and Natural Resource Department's website.

SECTION II. FINDINGS REGARDING THE POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROJECT

The Planning and Natural Resource Department issued a Notice of Preparation of a Draft EIR on the proposed project. Based on the Initial Study and Notice of Preparation, a determination was made that the Final SEIR would contain a comprehensive analysis of environmental issues identified in Appendix G of the California Environmental Quality Act (CEQA) Guidelines and not screened out during the Notice of Preparation. With respect to all impacts identified as "less than significant" or as having "no impact" in the Final SEIR, the Planning Commission finds that those impacts have been described accurately and are less than significant or have no impact. Despite concluding that certain impacts would be less than significant or would have no impact, the Final SEIR nonetheless incorporates mitigation measures in the form of complying with the goals, policies, and implementation measures of the Kern County General Plan, applicable Specific Plans, Conditional Use Permit (CUP) requirements, or other adopted regulations. The Planning Commission finds that these effects are less than significant or have no impact before and after implementation of these mitigation measures.

In addition, some impacts in the SEIR were found to be "significant" but were able to be mitigated to lessthan-significant levels, and others were found to be "significant and unavoidable." The Planning Commission finds that those impacts have been described accurately and are less than significant with the implementation of mitigation or are significant and unavoidable.

AESTHETICS

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway (Impact 4.1-2).

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The project would not create a new source of substantial light or glare that could adversely affect day or nighttime views in the area (Impact 4.1-4).

Description of Significant Impact

The project would include security lighting. If designed improperly, lighting provided by the proposed project has the potential to adversely affect nighttime views. To avoid such impacts, the project would be required to implement Mitigation Measure MM 4.1-4, which requires compliance with the Dark Sky Ordinance and for all lighting to be directed downwards and shielded. Implementation of Mitigation Measure MM 4.1-4 would minimize the potential for spillover lighting to adversely affect residents and motorists to a less than significant level.

Additionally, the proposed project may introduce new sources of glare from the reflection of sunlight off the glass surfaces of the solar panels. However, the intent of solar technology is to increase efficiency by absorbing as much light as possible (which further reduces reflection and glare). Although the project may produce glare, it is not expected to cause extreme visual discomfort or impairment of vision for residents because the panels are designed to absorb as much sunlight as possible and, therefore, would have minimal reflectivity. Similarly, and also due to their low reflectivity, the panels would not be expected to cause visual impairment for motorists on area roadways. However, given the potential for glare, the project would be required to implement Mitigation Measures MM 4.1-5 and MM 4.1-6, which would require the use of non-reflective and non-glare materials when feasible. Implementation of these mitigation measures would ensure that impacts are reduced to less than significant.

Finding

The proposed project has the potential to create a new source of substantial light or glare that could adversely affect day or nighttime views in the area. However, implementation of Mitigation Measures MM 4.1-4 through MM 4.1-6 would reduce this impact to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.1-4 through MM 4.1-6 would reduce impacts to less-than-significant levels.

Mitigation Measures

- **MM 4.1-4:** Project facility lighting shall comply with "Dark Sky" lighting guidelines, and shall be designed to provide the minimum illumination needed to achieve safety and security objectives. All lighting shall be directed downward and shielded to focus illumination on the desired areas only and avoid light trespass into adjacent areas. Lenses and bulbs shall not extend below the shields.
- **MM 4.1-5:** Proposed on-site buildings shall use non-reflective materials as approved by the Kern County Planning and Natural Resources Department.
- **MM 4.1-6:** Solar panels and hardware shall be designed to minimize glare and spectral highlighting. To the extent feasible, emerging technologies shall be utilized that introduce diffusion coatings and nanotechnological innovations that will effectively reduce the refractive index of the solar cells and protective glass. These technological advancements are intended to

make the solar panels more efficient at converting incident sunlight into electrical power, but have the tertiary effect of reducing the amount of light that escapes into the atmosphere in the form of reflected light, which would be the potential source of glare and spectral highlighting.

C. Environmental Effects of the Project that Cannot Be Mitigated to a Less Than Significant Level.

Significant Effect

The project would have a substantial adverse effect on a scenic vista (Impact 4.1-1).

Description of Significant Impact

As provided in the Beacon EIR, the original Beacon Project would result in significant impacts based on the anticipated "cultural modifications." The project would result in an incremental addition of manmade features to the project area's visual resources by replacing open desert land with mechanical equipment associated with the project. As a result, the project would incrementally add to alterations in local scenic vistas. Mitigation Measures MM 4.1-1, MM 4.1-2, and MM 4.1-3 from the Beacon EIR are proposed to soften visual impacts and minimize views of project equipment by installing view-screening materials in fencing and softening the visual impact of the project by requiring the planting of trees or shrubs. However, as concluded in the Beacon EIR, there are no feasible mitigation measures that can be implemented to preserve the existing open space landscape character while developing a solar energy facility. Therefore, impacts to visual resources would remain significant and unavoidable despite implementation of these mitigation measures.

Finding

The proposed project would result in significant impacts to visual resources. Even with the implementation of Mitigation Measures MM 4.1-1 through MM 4.1-3, visual resource impacts would be significant and unavoidable.

Level of Significance

Impacts would be significant and unavoidable with implementation of mitigation.

Brief Explanation of the Rationale for Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to visual resources. Even with implementation of Mitigation Measures MM 4.1-1 through MM 4.1-3, visual resource impacts would be significant and unavoidable.

Mitigation Measures

- **MM 4.1-1**: Prior to any clearing or ground disturbing activities, the project proponent/operator shall submit a Maintenance and Trash Abatement/Pest Management Program to the Kern County Planning and Natural Resources Department for review and approval. The program shall include, but not limited to the following:
 - a) The project proponent/operator shall clear debris from the project area at least twice per year once the project is operational.

- b) Trash and food items shall be contained in closed containers to be locked at the end of the day and removed at least once per week to reduce the attractiveness to opportunistic predators such as common ravens, coyotes, and feral dogs.
- c) The project proponent/operator shall erect signs with contact information for the project proponent/operator's maintenance staff at regular intervals along the site boundary, as required by the Kern County Planning and Natural Resources Department. Maintenance staff shall respond within two weeks to resident requests for additional cleanup of debris.
- d) Construction trash removal, once a month during construction including a recycling program. Receptacles shall include provisions for a locking system to prevent pest/rodent access to food waste receptacles that shall be implemented.
- e) The project proponent/operator shall implement a regular trash removal and recycling program on an ongoing basis during operation of the project. Barriers to prevent pest/rodent access to food waste receptacles shall be implemented. Locations of all trash receptacles during operation of the project shall be shown on final plans.
- f) The following stipulation shall be included: "All vegetation, debris or any other natural material collected as part of mowing, clearing or preparing the site for construction shall be removed the same day of such activities. Stockpiling is permitted for a period which shall not exceed ten (10) consecutive hours."
- **MM 4.1-1:** The project operator shall install metal fence slats or similar view-screening materials as approved by the Kern County Planning and Natural Resources Department in all on-site perimeter fencing adjacent to parcels zoned for residential use (E [Estate Residential], R-1 [Low-Density Residential], R-2 [Medium-Density Residential], R-3 [High-Density Residential] or PL (Platted Lands) zoning), unless the adjacent property is owned by the project operator (to be verified by the Kern County Planning and Natural Resources Department) or a public or private agency that has submitted correspondence to the Planning and Natural Resources Department requesting this requirement be waived. Should the project operator sell the adjacent property, slat fencing or similar view-screening materials shall be installed prior to the sale.
- MM 4.1-2: a) Drought-tolerant plants, species to be determined through consultation with landscape experts with local knowledge and approved by the Kern County Planning and Natural Resources Department, shall be planted along the fence line at 500-foot intervals where the adjoining property is zoned for residential use (E [Estate Residential], R-1 [Low-Density Residential], R-2 [Medium-Density Residential], R-3 [High-Density Residential] or PL (Platted Lands) zoning), unless the adjacent property is owned by the project operator (to be verified by the Kern County Planning and Natural Resources Department) or a public or private agency that has submitted correspondence to the Kern County Planning and Natural Resources Department requesting this requirement be waived. Should the project operator or agency sell the adjacent property, drought-tolerant shall be planted prior to the sale. Landscaping must be continuously maintained on the project site(s) by the project operator in accordance with Section 19.86 (Landscaping Standards) of the Kern County Zoning Ordinance.

b) Prior to the commencement of operations, the project operator must submit a landscape re-vegetation and restoration plan for the project site. Ground cover shall include native seed mix and shall be spread where earthmoving activities have taken place as needed to establish re-vegetation. Seed mix shall be determined through consultation with local experts and shall be approved by the Kern County Planning and Natural Resources Director prior to planting. The plan must include the approved native seed mix, a timeline for seeding the site, percentage of the site to be covered, detail the consultation efforts completed and the methods and schedule for installation of fencing that complies with wildlife agency regulations, and prohibition on the use of toxic rodenticides. Ground cover must be continuously maintained on the project site by the project operator. The re-vegetation and restoration of the site shall be monitored annually for a three-year period with an annual evaluation report submitted to the Kern County Planning and Natural Resources Director for the three-year period. The three-year monitoring program is intended to ensure the site naturally achieves native plant diversity, consistent with site conditions prior to implementation of the project.

Significant Effect

The project would substantially degrade the existing visual character or quality of the site and its surroundings (Impact 4.1-3).

Description of Significant Impact

Although the proposed project is generally well sited, the industrial nature of the facility, when introduced into the project viewshed, would substantially change the visual character of the landscape from sensitive viewers for the life of the project. In addition, there would be incremental, significant impacts to views from scenic vistas within the nearby BLM lands. The proposed facility would be visually dominant in an area that is currently undeveloped and the rural visual character of the project site would be substantially replaced with an industrial character. Based on these considerations, the project site's visual character would be significantly altered by the project. Mitigation Measures MM 4.1-1, MM 4.1-2, and MM 4.1-3 from the Beacon EIR are proposed to reduce the project's visual impacts. However, there are no feasible mitigation measures that can be implemented to preserve the existing open space landscape character while developing a solar energy facility. Therefore, impacts to visual resources would remain significant and unavoidable despite implementation of these mitigation measures.

Finding

The proposed project would result in significant impacts to visual character. Even with the implementation of Mitigation Measures MM 4.1-1 through MM 4.1-3 visual character impacts would be significant and unavoidable.

Level of Significance

Impacts would be significant and unavoidable with implementation of mitigation.

Brief Explanation of the Rationale for Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to visual character. Even with implementation of Mitigation Measures MM 4.1-1 through MM 4.1-3, described above, visual character impacts would be significant and unavoidable.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

The proposed project would not have a cumulative environmental effect on aesthetics that would be less than significant.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant and Unavoidable Impact on the Environment.

Significant Effect

The proposed project would result in a cumulatively considerable aesthetic impact.

Description of Significant Impact

Multiple projects, including several utility-scale solar and wind energy production facilities, are proposed throughout Kern County, particularly in the vicinity of the project site in the Mojave Desert. These have the potential to result in cumulative impacts to aesthetics when considered together with the proposed project. The "scarcity" rating criterion is particularly likely to be significantly impacted by widespread development in the area, as unobstructed views of regional topographical features and undeveloped lands would be less available as acreage is developed with PV modules and new transmission lines are constructed. Although similar to the proposed project, the other projects in the region would also be required to implement various mitigation measures to reduce impacts, the conversion of thousands of acres in a presently rural area to solar and wind energy production uses cannot be mitigated to a degree that impacts are no longer significant. Following implementation of Mitigation Measures MM 4.1-1 through MM 4.1-6, cumulative impacts associated with aesthetics would remain significant and unavoidable.

Finding

The proposed project in combination with other projects would result significant and unavoidable cumulative aesthetics impact. Even with the implementation of Mitigation Measures MM 4.1-1 through MM 4.1-6 cumulative impacts would be significant and unavoidable.

Level of Significance

Cumulative impacts would be significant and unavoidable for the project, even with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.1-1 through MM 4.1-6, described above, would reduce impacts but not to less-than-significant levels. Impacts would remain significant and unavoidable.

AIR QUALITY

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

None of the proposed project's environmental effects on air quality have been found to result in no impacts or only less-than-significant impacts.

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The project would not conflict with or obstruct implementation of the applicable air quality plan (Impact 4.2-1).

Description of Significant Impact

Construction-generated emissions attributable to the proposed project would not exceed the Eastern Kern Air Pollution Control District (EKAPCD) significance thresholds during construction. Emissions that do not exceed EKAPCD significance thresholds would be considered to have a less than significant impact and would, therefore, not conflict with implementation of applicable air quality plans. As with the previously approved project, implementation of Mitigation Measures MM 4.2-1 through MM 4.2-4 of the Beacon EIR, would ensure that criteria pollutant emissions would be further reduced during construction at the project site. Similarly, emissions associated with operation and maintenance of the proposed project would not exceed applicable EKAPCD thresholds. As with the previously approved project, the proposed project would not induce growth and would not result in a substantial increase in vehicle miles traveled and associated criteria pollutant emissions. Furthermore, the project would also function to reduce the air pollutant emissions within the Mojave Desert Air Basin (MDAB) to the extent that the power is used to offset power production from fossil fueled power plants within (or contributory to) the MDAB. As project operation emissions would not exceed the EKAPCD thresholds, implementation of the project would not obstruct implementation of an air quality plan during operation. As with the previously approved project, the proposed project would be required to implement Mitigation Measures MM 4.2-1 through MM 4.2-4 in order to further reduce emissions during construction and operation, which would further avoid conflict with the EKAPCD's air quality plans. Implementation of Mitigation Measures MM 4.2-1 through MM 4.2-4 would further reduce impacts to less-than-significant levels.

Finding

The proposed project would not obstruct an air quality plan. Implementation of Mitigation Measures MM 4.2-1 through MM 4.2-4 would further reduce this impact to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.2-1 through MM 4.2-4, would reduce impacts to a less-than-significant level.

Mitigation Measures

MM 4.2-1: The project operator shall ensure that construction and operation of the proposed project shall be conducted in compliance with applicable rules and regulations set forth by the Eastern Kern Air Pollution Control District. Dust control measures outlined below shall be implemented where they are applicable and feasible. The list shall not be considered all-

inclusive and any other measures to reduce fugitive dust emissions not listed shall be encouraged:

- a) Land Preparation, Excavation and/or Demolition. The following dust control measures shall be implemented:
 - i. All soil excavated or graded shall be sufficiently watered to prevent excessive dust. Watering shall occur as needed with complete coverage of disturbed soil areas. Watering shall take place a minimum of three times daily on disturbed soil areas with active operations, unless dust is otherwise controlled by rainfall or use of a dust palliative.
 - ii. All disturbed areas on the project site and proposed transmission corridor shall be watered as frequently as necessary during grading; and after active construction activities shall be stabilized with a non-toxic soil stabilizer or soil weighting agent, or alternative approved soil stabilizing methods. The frequency of watering can be reduced or eliminated during period of precipitation.
 - iii. All unpaved construction and operation/maintenance site roads, as they are being constructed, shall be stabilized with a non-toxic soil stabilizer or soil weighting agent.
 - iv. All clearing, grading, earth moving, and excavation activities shall cease during periods of winds greater than 20 miles per hour (averaged over one hour), or when dust plumes of 20 percent or greater opacity impact public roads, occupied structures or neighboring property, or as identified in a plan approved by the Eastern Kern Air Pollution Control District.
 - v. All trucks entering or leaving the project site shall cover all loads of soils, sands, and other loose materials, or be thoroughly wetted with a minimum freeboard height of six inches.
 - vi. Areas disturbed by clearing, earth moving, or excavation activities shall be minimized at all times.
 - vi. Stockpiles of soil or other fine loose material shall be stabilized by watering or other appropriate method to prevent wind-blown fugitive dust.
 - vii. All soil storage piles and disturbed areas that remain inactive for longer than 10 days shall be covered, or shall be treated with appropriate dust suppressant compounds.
 - viii. Prior to construction, wind breaks (such as chain-link fencing including a wind barrier) shall be installed where appropriate.
 - ix. Where acceptable to the Kern County Fire Department, weed control shall be accomplished by mowing instead of discing, thereby, leaving the ground undisturbed and with a mulch covering.
- b) Site Construction. After clearing, grading, earth moving and/or excavating is completed within any portion of the project site, the following dust control practices shall be implemented:

- i. Once initial leveling grading has ceased, all inactive soil areas within the construction site <u>disturbed by grading</u> shall be immediately treated with a dust palliative <u>or other appropriate material to minimize dust.</u> (SR- 3/14/19)
- ii. Dependent on specific site conditions (season and wind conditions), revegetation shall occur in those areas so planned as soon as practical after installation of the solar panels.
- iii. All unpaved road areas shall be treated with a dust palliative or graveled to prevent excessive dust.
- c) Vehicular Activities. During all phases of construction, the following vehicular control measures shall be implemented:
 - i. No vehicle shall exceed 10 miles per hour on unpaved areas within the project site, with the exception that vehicles may travel up to 25 miles per hour on stabilized unpaved roads as long as such speeds do not create visible dust emissions.
 - ii. Visible speed limit signs shall be posted at the project site entrance(s).
 - iii. All areas with vehicle traffic, especially the main entrance roadway to the project site, shall be graveled or treated with dust palliatives so as to prevent track-out onto public roadways.
 - iv. All vehicles that are used to transport solid bulk material on public roadways and that have potential to cause visible emissions shall be provided with a cover, or the materials shall be sufficiently wetted and loaded onto the trucks in a manner to provide at least one foot of freeboard.
 - v. Streets adjacent to the project site shall be kept clean and project related accumulated silt shall be removed on a regular basis. The use of either dry rotary brushes (unless prior wetting) or blower devices is prohibited.
 - vi. Access to the project site shall be by means of an apron into the facility site from adjoining surfaced roadways. The apron shall be surfaced or treated with dust palliatives. If operating on soils that cling to the wheels of vehicles, a grizzly, wheal washer, or other such device shall be used on the road exiting the facility site, immediately prior to the pavement, in order to remove most of the soil material from vehicle tires.
- **MM 4.2-2:** The project operator and/or its contractor(s) shall implement the following measures during construction of the proposed project on the project site:
 - a) All equipment shall be maintained in accordance with the manufacturer's specifications.
 - b) Equipment shall be shut down when not in use for extended periods of time.
 - c) No individual piece of construction equipment shall operate no longer than eight cumulative hours per day. (SR-3/14/19)
 - d) Electric equipment shall be used whenever feasible in lieu of diesel- or gasolinepowered equipment.

e) All construction vehicles shall be equipped with proper emissions control equipment and kept in good and proper running order to substantially reduce NOx emissions.

On-road and off-road diesel equipment shall use diesel particulate filters if permitted under manufacturer's guidelines.

- **MM 4.2-3:** The project operator shall continuously comply with the following measures during construction and operation to control NOX emissions from on-road heavy-duty diesel haul vehicles that are contracted on a continuing basis for use to haul equipment and materials for the proposed project:
 - a) 2006 engines or pre-2006 engines with California Air Resources Board certified Level 3 diesel emission controls will be used to the extent possible.
 - b) All on-road construction vehicles, except those meeting the 2006/California Air Resources Board certified Level 3 diesel emissions controls, shall meet all applicable California on-road emission standards and shall be licensed in the State of California. This does not apply to worker personal vehicles.
 - c) The construction contractor shall ensure that all on-road construction vehicles are properly tuned and maintained in accordance with the manufacture's specifications.
- **MM 4.2-4:** The project operator shall continuously comply with the following during operation to control fugitive dust emissions:
 - a) The unpaved main access road for employees and deliveries to the maintenance complex shall be paved or effectively stabilized using soil stabilizers that can be determined to be as efficient as or more efficient for fugitive dust control than California Air Resources Board approved soil stabilizers, and that shall not increase any other environmental impacts including loss of vegetation
 - b) The other unpaved roads at the project site shall be stabilized using water or soil stabilizers so that vehicle travel on these roads does not cause visible dust plumes.
 - c) Traffic speeds on unpaved roads shall be limited to no more than 10 miles per hour, with the exception that vehicles may travel up to 25 miles per hour on stabilized unpaved roads as long as such speeds do not create visible dust emissions. Traffic speed signs shall be displayed prominently at all site entrances and at egress point(s) from the central maintenance complex.

Significant Effect

The proposed project would violate an air quality standard or contribute substantially to an existing or proposed air quality violation (Impact 4.2-2).

Description of Significant Impact

Construction of the proposed project would result in temporary generation of emissions associated with various activities, including site preparation, grading, trenching, construction of roads, and installation of solar array modules and associated infrastructure. However, total annual construction emissions would not exceed the applicable EKAPCD thresholds for reactive organic gases (ROG), nitrogen oxides (NO_x), sulfur dioxide (SO₂), or particulate matter 10 microns or less in diameter (PM_{10}). Emissions associated with operation and maintenance of the proposed project would not exceed applicable EKAPCD thresholds.

Implementation of Mitigation Measures MM 4.2-1 through MM 4.2-4 would ensure that criteria pollutant emissions would be further reduced during construction at the project site and impacts would be less than significant.

Finding

The proposed project would not obstruct air quality standards. Implementation of Mitigation Measures MM 4.2-1 through MM 4.2-4, would further reduce this impact to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.2-1 through MM 4.2-4, described above, would further reduce impacts to a less-than-significant level.

Significant Effect

The proposed project would not expose sensitive receptors to substantial pollutant concentrations (Impact 4.2-4).

Finding

As with the previously approved project, the proposed project has the potential to expose sensitive receptors, namely onsite workers and offsite residents to Valley Fever from fugitive dust generated during construction. However, the proposed project would be subject to the applicable rules and regulations of EKAPCD, in particular Rule 402 during construction. The purpose of Rule 402 is to reduce the amount of PM10 emitted from significant man-made fugitive dust sources in an amount sufficient to maintain NAAQS. Compliance with EKAPCD Rule 402 and Mitigation Measure MM 4.2-1 would reduce fugitive dust and thereby reduce potential exposure to Valley Fever to the extent feasible. Additionally, implementation of Mitigation Measure MM 4.2-5 and MM 4.2-6 would provide personal protective respiratory equipment to construction workers and provide information to all construction personnel and visitors about Valley Fever. Impacts would be reduced to less than significant levels.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.2-1, described above, and Mitigation Measures MM 4.2-5 and MM 4.2-6, described below, would reduce impacts to less-than-significant levels.

Mitigation Measures

Implement Mitigation Measures MM 4.2-1, described above, and MM 4.2-5 and MM 4.2-6:

- MM 4.2-5: Prior to ground disturbance activities, the project proponent shall provide a "Valley Fever Training Information Packet" and conduct training sessions for all construction personnel. A copy of the handout and a schedule of education sessions shall be provided to the Kern County Planning and Natural Resources Department. All evidence of the training session(s) and handout(s) shall be submitted to the Kern County Planning and Natural Resources Department on a monthly basis. Multiple training sessions may be conducted if different work crews come to the site for different stages of construction; however, all construction personnel shall be provided training prior to beginning work. The evidence submitted to the Kern County Planning and Natural Resources Department regarding the "Valley Fever Training Handout" and Session(s) shall include the following:
 - a) A sign-in sheet (to include the printed employee names, signature, and date) for all employees who attended the training session.
 - b) Distribution of an information packet that includes educational information regarding the health effects of exposure to criteria pollutant emissions and Valley Fever; symptoms of exposure; and instruction for reporting cases of flu-like or respiratory illness symptoms to the Site Safety Officer. Those with persistent systems lasting more than 3 days shall be recommended to seek immediate medical advice.
 - c) Training on methods that may help prevent Valley Fever infection.
 - d) A demonstration to employees on how to use personal protective equipment, such as respiratory equipment (masks), to reduce exposure to pollutants and facilitate recognition of symptoms and earlier treatment of Valley Fever. Though use of the equipment is not mandatory during work, the equipment shall be readily available and shall be provided to employees for use during work, if requested by an employee. Proof that the demonstration is included in the training shall be submitted to the county. This proof can be via printed training materials/agenda, DVD, digital media files, or photographs.
- **MM 4.2-6** Prior to the issuance of grading permits, a onetime fee shall be paid to the Kern County Public Health Services Department in the amount of \$3,200 for Valley Fever public awareness programs.

C. Environmental Effects of the Project that Cannot Be Mitigated to a Less Than Significant Level.

Significant Effect

The proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors) (Impact 4.2-3).

Description of Significant Impact

The proposed project together with all other identified cumulative solar projects within the Kern County portion of the Mojave Desert Air Basin and the basin as a whole would contribute to a cumulatively considerable net increase of criteria pollutant for which the projects' region is nonattainment under applicable federal or state ambient air quality standards and would therefore result in temporary significant cumulative impacts. Implementation of Mitigation Measures MM 4.2-1 through MM 4.2-4 would reduce impacts but cumulative construction emissions would be considered cumulatively significant, even with implementation of mitigation measures.

Finding

The proposed project would result in a net increase in criteria pollutants for an area in nonattainment. Even with the implementation of Mitigation Measures MM 4.2-1 through MM 4.2-4 cumulative impacts would be significant and unavoidable.

Level of Significance

Impacts would be significant and unavoidable with implementation of mitigation.

Brief Explanation of the Rationale for Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to cumulatively considerable net increase of any criteria pollutant for which the projects' region is nonattainment. Even with implementation of Mitigation Measures MM 4.2-1 through MM 4.2-4 cumulative impacts would be significant and unavoidable.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

The proposed project would not have any cumulative effects on air quality that would be less than significant.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant and Unavoidable Impact on the Environment.

Significant Effect

The proposed project would result in a cumulatively considerable air quality impact.

Description of Significant Impact

The proposed project together with all other identified cumulative solar projects within the Kern County portion of the Mojave Desert Air Basin and the basin as a whole would contribute to a cumulatively considerable net increase of criteria pollutant for which the projects' region is nonattainment under applicable federal or state ambient air quality standards and would therefore result in temporary significant cumulative impacts. Implementation of Mitigation Measures MM 4.2-1 through MM 4.2-6 would reduce impacts but cumulative construction emissions would be considered cumulatively significant, even with implementation of mitigation measures.

Finding

The proposed project in combination with other projects would result in a cumulatively considerable air quality impact. Even with the implementation of Mitigation Measures MM 4.2-1 through MM 4.2-6 cumulative impacts would be significant and unavoidable.

Level of Significance

Cumulative impacts would be significant and unavoidable, even with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.2-1 through MM 4.2-6, described above, would reduce impacts but not to less-than-significant levels. Impacts would remain significant and unavoidable.

BIOLOGICAL RESOURCES

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

None of the proposed project's environmental effects on biological resources have been found to result in no impacts or only less-than-significant impacts.

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The project would not have a substantial adverse impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or the USFWS (Impact 4.3-1).

Description of Significant Impact

The proposed project has the potential to result in direct and indirect impacts to special-status plant species, as described for the previously approved project in the Beacon EIR. Direct impacts may result from site grading, while indirect impacts may result from population fragmentation, the introduction of non-native, invasive plants, runoff, sedimentation, erosion, fugitive dust, and unauthorized access by construction workers. The loss of more than 10 percent of habitat occupied by any of these species, if present, would be considered significant. However, these potentially significant impacts can be mitigated to less than significant by the implementation of Mitigation Measures MM 4.3-3 through MM 4.3-11. Additionally, Mitigation Measure MM 4.3-24 has been added to reduce impacts to plant species protected by the California Desert Native Plants Act (CDNPA) to a less-than-significant level.

The proposed project has the potential to result in direct and indirect impacts to special-status wildlife species, as described for the previously approved project in the Beacon EIR. In addition to the species mentioned in the Beacon EIR (desert tortoise, Mohave ground squirrel, western burrowing owl, golden eagle and other protected raptors, other special-status birds protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code, American badger, and desert kit fox), the proposed project also has the potential to impact special-status bats, including Townsend's big-eared bat. However, with

implementation of Mitigation Measures 4.3-1 through 4.3-20 and MM 4.3-23 and 4.3-24, as well as MM 4.1-4 (as described in Section 4.1 Aesthetics), MM 4.5-2 (as described in Section 4.5 Geology and Soils), MM 4.8-1, and MM 4.8-2 (as described in Section 4.8 Hydrology and Water Quality), impacts to special status wildlife would be mitigated a less-than-significant level.

Finding

The project has the potential to impact special-status plants and wildlife through the loss of habitat as well as direct and indirect impacts on plants and wildlife. These impacts would be reduced to a less-thansignificant level with the implementation of Mitigation Measures 4.3-1 through 4.3-20 and MM 4.3-23 and 4.3-24, as well as MM 4.1-4 (as described in Section 4.1, *Aesthetics*), MM 4.5-2 (as described in Section 4.5, *Geology and Soils*), MM 4.8-1, and MM 4.8-2 (as described in Section 4.8, *Hydrology and Water Quality*).

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures 4.3-1 through 4.3-20 and MM 4.3-23 and 4.3-24, as well as MM 4.1-4 (as described in Section 4.1, *Aesthetics*), MM 4.5-2 (as described in Section 4.5, *Geology and Soils*), MM 4.8-1, and MM 4.8-2 (as described in Section 4.8, *Hydrology and Water Quality*), would reduce impacts to less-than-significant levels.

Mitigation Measures

Implement Mitigation Measures 4.3-1 through 4.3-20 and MM 4.3-23 and 4.3-24, as well as MM 4.1-4 (as described in Section 4.1, *Aesthetics*), MM 4.5-2 (as described in Section 4.5, *Geology and Soils*), MM 4.8-1, and MM 4.8-2 (as described in Section 4.8, *Hydrology and Water Quality*):

- **MM 4.3-1:** Prior to the issuance of <u>a</u> grading or building permits:
 - The project <u>developer/operator</u> shall provide evidence to the Kern County Planning and Natural Resources Department that a Section 2081 Incidental Take Permit (<u>ITP</u>) from California Department of Fish and Wildlife (CDFW) for Desert Tortoise (<u>if</u> <u>determined to be required</u>) and/or Mohave Ground Squirrel (<u>if determined to be</u> <u>required</u>) has been obtained. (*RTC-3/4/19*)
 - If it is determined that an ITP is not required for any Site or portion of a Site (i.e., Sites 1 through 5) such a permit is not required, the project developer/operator shall provide a letter describing the consultation process and wildlife agency determination, indicating that an ITP permit is not required. The letter shall also identify the CDFWG point of contact and contact information. Should an ITP not be required for either species, then the project developer/operator shall be responsible for implementing the specific mitigation measures designed to avoid impacts to these species (MM 4.3-11, 4.3-12 and 4.3-13). (RTC-3/4/19)

- If an ITP is required for either species (Desert Tortoise or Mohave Ground Squirrel), then specific measures to reduce potential for take would be identified and implemented through the ITP consultation process. This includes specific details and requirements for project construction, operations, and decommissioning, including fencing requirements. Should an ITP be required, those specifications identified in Mitigation Measures 4.3-11, 4.3-12 and 4.3-13 may be modified accordingly to reflect the ITP consultation process and specific conditions required as part of the ITP. (*RTC*-3/4/019)

Off Site Gen-Tie

- The project developer/operator shall provide evidence to the Kern County Planning and Natural Resources Department that an Incidental Take Permit (ITP) from California Department of Fish and Wildlife (CDFW) and/or U.S. Fish and Wildlife Service has been obtained for Mohave ground squirrel and/or Desert Tortoise. (*RTC*-3/4/19)
- Specific measures to reduce potential for take of the species would be identified and implemented through the ITP consultation process with CDFW and U.S. Fish and Wildlife Service. This includes specific details and requirements for project construction, operation, and decommissioning. Specifications identified in Mitigation Measures 4.3-11, 4.3-12 and 4.3-13 may be modified accordingly to reflect the ITP consultation process and specific conditions required as part of the ITP, or as modified through National Environmental Policy Act review for those portions of the gen-tie that traverse BLM lands. (RTC-3/4/19)
- **MM 4.3-2:** Prior to the issuance of grading or building permits, the project operator shall retain a Lead Biologist who meets the qualifications of an Authorized Biologist as defined by United States Fish and Wildlife Service to oversee compliance with the protection measures for desert tortoise and other special species. The project Lead Biologist shall be onsite during all fencing and ground disturbance activities throughout the construction phase. The project Lead Biologist shall have the right to halt all activities that are in violation of the desert tortoise or other special species protection measures. Work shall proceed only after hazards to desert tortoise or other special species are removed and the species is no longer at risk. The project biologist shall have in her/his possession a copy of all the compliance measures while work is being conducted onsite.
- **MM 4.3-3:** Prior to issuance of grading or building permit and for the duration of construction activities, the project proponent shall demonstrate it has in place a Worker Environmental Awareness Program (WEAP) for all construction workers at the project site. The Lead Biologist shall ensure all construction personnel on-site complete WEAP training prior to conducting any construction related activities on-site. As part of the WEAP training, the project Lead Biologist shall perform the following training-related tasks:
 - a) Provide the training materials for WEAP training. These materials shall include the measures and mitigation requirements for protected plant and wildlife species (e.g., avoidance and buffer requirements, nighttime construction limitations, etc.); and applicable fire protection measures. WEAP training will also include driver training to avoid and minimize collision risks with protected species, and reporting protocols in the event that any dead or injured wildlife are discovered.

- b) Send a copy of all WEAP training materials to the Kern County Planning and Natural Resources Department.
- c) Maintain a list <u>of</u> on-site of all employees who have undergone WEAP training. A copy of this list shall be provided to the Kern County Planning and Natural Resources Department as necessary. (SR-3/14/19)
- **MM 4.3-4:** The program shall be presented by the Lead Biologist and shall include information on the life history of the desert tortoise, as well as other special-status wildlife and plant species that may be encountered during construction, <u>operations and maintenance</u>, <u>and decommissioning</u> activities, their legal protections, the definition of "take" under the Endangered Species Act (ESA) or California Endangered Species Act (CESA), measures the project operator is implementing to protect the desert tortoise and other special-status species, reporting requirements, specific measures that each worker shall employ to avoid take of the desert tortoise and other special-status wildlife species, and penalties for violation of the Aet ESA or CESA. Identification and information regarding sensitive plants (such as the alkali mariposa lily, Charlotte's phacelia, creamy blazing star, desert cymopteris, Barstow woolly sunflower, sagebrush loeflingia, white pygmy-poppy, Mojave sunflower, Death Valley sandmat, golden goodmania, solitary blazing star, and Mojave fish-hook cactus or other special-status plant species) shall also be provided to construction personnel. (*RTC-3/4/19*)
 - i. An acknowledgement form signed by each worker indicating that environmental training has been completed.
 - ii. A sticker that shall be placed on hard hats indicating that the worker has completed the environmental training. Construction workers shall not be permitted to operate equipment within the construction area unless they have attended the training and are wearing hard hats with the required sticker;
 - iii. A copy of the training transcript and/or training video, as well as a list of the names of all personnel who attended the training and copies of the signed acknowledgement forms shall be submitted to the Kern County Planning and Natural Resources Department.
 - iv. The construction crews and contractor(s) shall be responsible for unauthorized impacts from construction activities to sensitive biological resources that are outside the areas defined as subject to impacts by project permits.
- **MM 4.3-5:** The anticipated impact zones, including staging areas, equipment access, and disposal or temporary placement of spoils, shall be delineated with stakes and flagging prior to construction to avoid natural resources where possible. Construction-related activities outside of the impact zone shall be avoided.
- **MM 4.3-6:** New and existing roads that are planned for either construction or widening shall not extend beyond the planned impact area. All vehicles passing or turning around shall do so within the planned impact area or in previously disturbed areas. Where new access is required outside of existing roads or the construction zone, the route shall be clearly marked (i.e., flagged and/or staked) prior to the onset of construction.
- **MM 4.3-7:** Spoils shall be stockpiled in disturbed areas presently lacking native vegetation. Stockpile areas shall be marked to define the limits where stockpiling can occur. Standard best

management practices shall be employed to prevent loss of habitat due to erosion caused by project related impacts (i.e., grading or clearing for new roads). All detected erosion shall be remedied within two days of discovery.

- **MM 4.3-8:** Fueling of equipment shall take place within existing paved roads, and not within or adjacent to drainages or native desert habitats. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary.
- **MM 4.3-9:** Ground disturbing Construction activity shall be monitored by the qualified Lead Biologist or by biological monitors under the Lead Biologist's supervision to ensure compliance with avoidance and minimization measures.
- **MM 4.3-10:** The introduction of exotic plant species shall be avoided and controlled wherever possible, and may be achieved through physical or chemical removal and prevention. Preventing exotic plants from entering the site via vehicular sources shall include measures such as implementing Track-clean or other method of vehicle cleaning for vehicles coming and going from the site. Earth-moving equipment shall be cleaned prior to transport to the project area. Weed-free rice straw or other certified weed-free straw shall be used for erosion control. Weed populations introduced into the site during construction shall be eliminated by chemical and/or mechanical means approved by California Department of Fish and Wildlife and the United States Fish and Wildlife Service.
- **MM 4.3-11:** Implement the following measures:

In the event ground disturbance does not commence on the transmission line eorridor within two (2) years of the last rare plant surveys Prior to construction, the project operator and/or contractor shall retain a qualified biologist or botanist to conduct preconstruction rare plant survey(s) in areas identified as potentially suitable habitat for Barstow woolly sunflower along the within the Eland 1 Solar site project sites and along the alternative gen-tie and other collector line routes during the appropriate blooming period in accordance with the guidelines established by the California Department of Fish and Wildlife (CDFW) (2018), for alkali mariposa lily, Charlotte's phacelia, creamy blazing star, desert eymopteris, Barstow woolly sunflower, sagebrush loeflingia, white pygmypoppy, Mojave sunflower, Death Valley sandmat, golden goodmania, solitary blazing star, and Mojave fish hook cactus or other special status plant species, including species protected by the California Desert Native Plants Act. If no special status Barstow woolly sunflower plant species are observed during the focused surveys, no further actions would be required. (*RTC-3/4/19*)

If any of these plant species are found during the preconstruction surveys, the project operator and/or contractor shall delay ground disturbance activities and contact California Department of Fish and Wildlife for consultation. If required, in consultation with California Department of Fish and Wildlife, a Habitat Mitigation Plan shall be prepared that includes, at a minimum, the following:

 a) If alkali mariposa lily, Charlotte's phacelia, creamy blazing star, desert cymopteris, Barstow woolly sunflower(s), sagebrush loeflingia, white pygmypoppy, Mojave sunflower, Death Valley sandmat, golden goodmania, solitary

blazing star, and Mojave fish-hook cactus or other special status plant species, including species protected by the California Desert Native Plants Act are observed within the proposed project footprint during preconstruction surveys, the qualified biologist or botanist shall delay ground disturbance activities and contact CDFW for consultation. \pm The proposed project shall be designed in consultation with the Lead Biologist, to reduce impacts to the species through the establishment of preservation areas and buffers. If avoidance or minimization measures are implemented onsite, a Habitat Mitigation Plan shall be developed to ensure adequate management and conservation of botanical resources on-site over the long term. A copy of the Habitat Mitigation Plan shall be submitted to the Kern County Planning and Natural Resources Department. (*RTC-3/4/19*)

- b) If the proposed project would eliminate more than 10 percent of the local population of alkali mariposa lily, Charlotte's phacelia, creamy blazing star, desert cymopteris, Barstow woolly sunflower, sagebrush loeflingia, white pygmy-poppy, Mojave sunflower, Death Valley sandmat, golden goodmania, solitary blazing star, and Mojave fish hook cactus or other special status plant species, If Barstow woolly sunflower(s) are observed within the proposed project footprint during preconstruction surveys, and impacts cannot be avoided, the Habitat Mitigation Plan would also include the following: (*RTC-3/4/19*)
 - The area of occupied habitat to be preserved and removed;
 - Identification of onsite or offsite preservation, restoration, or enhancement location(s);
 - Methods for preservation, restoration, enhancement, and/or population translocation;
 - A replacement ratio and success standard of 1:1 for occupied habitat lost unless a lower mitigation ratio and/or alternative mitigation is agreed to in coordination with CDFW;
 - A five year monitoring program to ensure mitigation success;
 - Adaptive management and remedial measures in the event that performance standards are not achieved;
 - Financial assurances and a mechanism for conservation of any mitigation lands required in perpetuity.
- c) Prior to the commencement of ground disturbance activities, botanical surveys for alkali mariposa lily, Charlotte's phacelia, creamy blazing star, desert cymopteris, Barstow woolly sunflower, sagebrush loeflingia, white pygmypoppy, Mojave sunflower, Death Valley sandmat, golden goodmania, solitary blazing star, and Mojave fish hook cactus or other special status plant species, including species protected by the California Desert Native Plants Act, shall be conducted. The surveys shall be conducted within potentially suitable

habitat along the Eland 1 Solar site and alternative gen-tie and collector line routes that would be directly affected by the proposed project. Copies of all surveys and communications with the appropriate wildlife agencies shall be submitted to the Kern County Planning and Natural Resources Department. (*RTC-3/4/19*)

- **MM 4.3-12:** The project operator and /or contractor shall implement the following:
 - Prior to issuance of grading or building permits but after obtaining a project Section 2081 permit for incidental take, if required by California Department of Fish and Wildlife, the entire solar facility site (east of SR 14 for the-Eland 1 Solar site) shall be fenced with a permanent desert tortoise exclusion fence to keep any desert tortoise that may be using habitat adjacent to the facility from entering during construction, operations and maintenance, and dismantling and restoration (decommissioning) phases. The fencing type shall follow current fence specifications established by U.S. Fish and Wildlife Service (USFWS). Desert tortoise-proof gates shall be established at all photovoltaic solar facility entry points. Workers installing the exclusion fencing shall have undergone the worker training program mandated in Mitigation Measure 4.3-3 and a biological monitor under the authority of the project Lead Biologist will be present during exclusion fencing installation.
 - ii. The fencing shall be inspected monthly and immediately after all major rainfall events. Any damage to the fencing shall be repaired immediately or no later than 2 days following the observation.
 - iii. Following the construction of desert tortoise exclusion fencing, around the solar facility perimeter as described above, clearance surveys shall be conducted by the Lead Biologist to ensure that no desert tortoises or other listed wildlife species are trapped within the fenced area. The Lead Biologist may be assisted by biological monitors under the supervision of the Lead Biologist. Clearance surveys shall adhere to the current USFWS clearance survey protocols described in the Desert Tortoise Field Manual, including a minimum of two clearance passes to be completed after desert tortoise-proof fencing is installed, which shall coincide with heightened desert tortoise activity from late March through May and September through October.
 - iv. If a desert tortoise is found on the site during project construction or operations, active construction or operations shall cease in the vicinity of the animal and the desert tortoise shall be passively restricted to the area encompassing its observed position on the construction site and its point of entry shall be determined if possible. The Lead Biologist shall install a temporary tortoise-proof fence around this area. Concurrent with this effort, USFWS and California Department of Fish and Wildlife shall be consulted regarding any additional avoidance, minimization, or mitigation measures that may be necessary. Once the desert tortoise is observed leaving the site, work in the area can resume. A report shall be prepared by the Lead Biologist to document the activities of the desert tortoise within the site; all fence construction, modification, and repair efforts; and movements of the desert tortoise once again outside the permanent tortoise-proof fence. This report shall be submitted to wildlife and resource agency representatives and the Kern County Planning and Natural Resources Department.

- v. Outside permanently fenced desert tortoise exclusion areas, the project operator shall limit the areas of disturbance in desert tortoise habitat. Parking areas; new roads; pulling sites; and staging, storage, excavation, and disposal site locations shall be confined to the smallest areas possible. These areas shall be flagged and disturbance activities, vehicles, and equipment shall be confined to these flagged areas.
- vi. The Lead Biologist or biological monitor will monitor any ground-disturbance activities that occur outside the desert tortoise exclusion fencing. Work outside areas with desert tortoise exclusion fencing shall only occur during daylight hours. Prior to conducting brushing or grading activities in desert tortoise habitat outside the permanently fenced area, a Lead Biologist or biological monitor under the supervision of a Lead Biologist shall survey the area immediately prior to conducting these activities to ensure that no desert tortoises are present.
- vii. At the end of each work day, the Lead Biologist shall ensure that all trenches, bores, and other excavations outside the permanently fenced area have been inspected for the presence of desert tortoise and backfilled, if no tortoise is present. If backfilling is not feasible, these excavations shall be modified to ensure that they cannot potentially entrap desert tortoises (e.g., equipped with desert tortoise escape ramps, covered to prevent desert tortoise access, enclosed with a desert tortoise exclusion fence).
- viii. Any construction pipe, culvert, or similar structure stored within desert tortoise habitat (i.e., outside areas with desert tortoise exclusion fencing) shall be inspected for desert tortoise before the material is moved, buried, or installed.
- ix. Water used for dust abatement shall be minimized, as allowed by Kern County, to prevent the formation of puddles that could attract common ravens and other desert tortoise predators to the site and nearby.
- x. No vehicle or equipment parked outside the fenced areas shall be moved prior to inspecting the ground beneath the vehicle or equipment for the presence of desert tortoise. If present, the desert tortoise shall be left to move on its own.
- vi. Vehicular traffic to and from the project site shall use existing routes of travel (e.g., SR 14). Cross country vehicle and equipment use outside designated work areas shall be prohibited. Vehicle speeds within the project site shall not exceed 25 miles per hour on roads within desert tortoise habitat.
- xii. All vehicles and equipment shall be in proper working condition to ensure that there is no potential for fugitive emissions of motor oil, antifreeze, hydraulic fluid, grease, or other hazardous materials. The Lead Biologist shall be informed of any hazardous spills within 24 hours. Hazardous spills shall be immediately cleaned up and the contaminated soil shall be properly disposed of at a licensed facility.
- xiii. A long-term trash abatement program shall be established for construction, operations, and decommissioning. Trash and food items shall be contained in closed containers and removed daily to reduce the attractiveness to opportunistic predators such as common ravens, coyotes, and feral dogs.

- xiv. Workers shall be prohibited from bringing pets and firearms to the project area and from feeding wildlife.
- xv. Intentional killing or collection of either plant or wildlife species, including listed species such as desert tortoise, in the survey area and surrounding areas shall be prohibited. The Lead Biologist, wildlife and resource agency representatives and Kern County Planning and Natural Resources Department shall be notified within 24 hours of any such occurrences.
- xvi. Ongoing monitoring shall be conducted by either the Lead Biologist or by biological monitors under the Lead Biologist's supervision. The biological monitors shall have experience in monitoring for desert tortoise.
- xvii. During construction daily monitoring reports shall be prepared by the monitoring biologists. The Lead Biologist shall prepare a summary monitoring report for the wildlife and resource agencies and Kern County Planning and Natural Resources Department on a monthly basis, documenting the effectiveness and practicality of the protection measures that are in place and making recommendations for modifying the measures to enhance species protection, as needed. The report would also provide information on the overall biological-resources-related activities conducted, including the worker awareness training, clearance/pre-activity surveys, monitoring activities, and any observed desert tortoise or other special-status species, including injuries and fatalities.
- xviii. The project operator shall develop a site-specific Common Raven Management Plan in accordance with USFWS guidelines and shall implement management measures for ravens in the project area. These measures may include but are not limited to designing structures to eliminate perches, waste management, road kill management, management of ponded water during construction and operations, and nest removal on structures within the photovoltaic facility site and along the transmission line.
- **MM 4.3-13:** The project operator and /or contractor shall implement the following during Operation and Maintenance:
 - i. Desert tortoise exclusion fencing and gates shall be maintained on a regular basis.
 - ii. A 25-mile per hour speed limit shall be applied for travel during maintenance activities. Travel shall be confined to existing roads and previously disturbed areas.
 - iii. Desert tortoise-proof secure gates shall be installed where access roads-enter the photovoltaic solar facility; no access roads outside of the photovoltaic solar facility shall be fenced.
 - iv. Work occurring outside areas with desert tortoise exclusion fencing shall only occur during daylight hours.
- **MM 4.3-14:** The project operator and /or contractor shall implement the following during project decommissioning:
 - i. All applicable construction phase general protection measures shall be implemented during decommissioning.

- ii. A 25-mile-per-hour speed limit on paved or stabilized unpaved roads shall be applied for travel during decommissioning activities. Travel shall be confined to existing roads and previously disturbed areas.
- iii. If a desert tortoise is detected in the work area during decommissioning activities, no work shall be conducted until the desert tortoise moves on its own outside of the work area.
- iv. Work outside areas with desert tortoise exclusion fencing shall only occur during daylight hours.
- **MM 4.3-15:** The following measures shall be implemented during project construction, operations, and decommissioning activities with respect to western burrowing owls.
 - a) A project Lead Biologist shall be onsite during all construction activities in potential burrowing owl habitat. A qualified wildlife biologist (i.e., a wildlife biologist with previous burrowing owl survey experience) shall conduct pre-construction surveys of the permanent and temporary impact areas to locate active breeding or wintering burrowing owl burrows no less than 14 days prior to construction and/or prior to desert tortoise exclusion fencing installation. The survey methodology shall be consistent with the methods outlined in the California Department of Fish and Wildlife Staff Report (March 2012), and shall consist of walking parallel transects 7 to 20 meters apart, adjusting for vegetation height and density as needed, and noting any potential burrows with fresh burrowing owl sign or presence of burrowing owls (and may be combined with desert tortoise pre-construction surveys). As burrows are searched, biologists shall also look for signs of American badger and desert kit fox. Copies of the survey results shall be submitted to California Department of Fish and Wildlife and the Kern County Planning and Natural Resources Department.
 - b) If no burrowing owls are detected, no further mitigation is necessary. If burrowing owls are detected, no ground-disturbing activities, such as road construction or installation of solar arrays or ancillary facilities, shall be permitted within the distances specified in Table 2 of the CDFG Staff Report (see below) from an active burrow during the nesting and fledging seasons (April 1 to August 15 and August 16 to October 15, respectively), unless otherwise authorized by California Department of Fish and Wildlife. The specified buffer distance ranges from 656 feet to 1,640 feet, according to the time of year and the level of disturbance. Buffers shall be established in accordance with Table 2 (see below) of the Staff Report and occupied burrows shall not be disturbed during the nesting season unless a qualified biologist approved by California Department of Fish and Wildlife, verifies through noninvasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Burrowing owls shall not be moved or excluded from burrows during the breeding season (April 1 to October 15).

Location	Time of year	Level of disturbance		
		Low	Medium	High
Nesting sites	April 1-Aug 15	656 ft	1640 ft	1640 ft
Nesting sites	Aug 16-Oct 15	656 ft	656 ft	1640 ft
Any occupied burrow	Oct 16-Mar 31	164 ft	328 ft	1640 ft

Table 2: Burrowing Owl Burrow Buffers (CDFG Staff report)

- c) During the nonbreeding (winter) season (October 16 to March 31), consistent with Table 2 (see above) of the Staff Report, ground-disturbing work shall maintain a distance ranging from 164 feet to 1,640 feet from any active burrows depending on the level of disturbance. If active winter burrows are found that would be directly affected by ground-disturbing activities, owls can be displaced from winter burrows according to recommendations made in the Burrowing Owl Mitigation Staff Report (2012).
- d) Burrowing owls should not be excluded from burrows unless or until a Burrowing Owl Exclusion Plan is developed by the Lead Biologist and approved by the applicable local California Department of Fish and Wildlife office and submitted to the Kern County Planning and Natural Resources Department. The plan shall include, at a minimum:
 - i. Confirm by site surveillance that the burrow(s) is empty of burrowing owls and other species preceding burrow scoping;
 - ii. Type of scope and appropriate timing of scoping to avoid impacts;
 - iii. Occupancy factors to look for and what shall guide determination of vacancy and excavation timing (one-way doors should be left in place 48 hours to ensure burrowing owls have left the burrow before excavation, visited twice daily and monitored for evidence that owls are inside and can't escape i.e., look for sign immediately inside the door).
 - iv. How the burrow(s) shall be excavated. Excavation using hand tools with refilling to prevent reoccupation is preferable whenever possible (may include using piping to stabilize the burrow to prevent collapsing until the entire burrow has been excavated and it can be determined that no owls reside inside the burrow);
 - v. Removal of other potential owl burrow surrogates or refugia onsite;
 - vi. Photographing the excavation and closure of the burrow to demonstrate success and sufficiency;
 - vii. Monitoring of the site to evaluate success and, if needed, to implement remedial measures to prevent subsequent owl use to avoid take;
 - viii. How the impacted site shall continually be made inhospitable to burrowing owls and fossorial mammals (e.g., by allowing vegetation to grow tall, heavy disking, or immediate and continuous grading) until development is complete.

- e) Site monitoring is conducted prior to, during, and after exclusion of burrowing owls from their burrows sufficient to ensure take is avoided. Conduct daily monitoring for one week to confirm young of the year have fledged if the exclusion shall occur immediately after the end of the breeding season.
- f) Excluded burrowing owls are documented using artificial or natural burrows on an adjoining mitigation site (if able to confirm by band re-sight).
- g) In accordance with the Burrowing Owl Exclusion Plan a qualified wildlife biologist shall excavate burrows using hand tools. Sections of flexible plastic pipe or burlap bag shall be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow. One-way doors shall be installed at the entrance to the active burrow and other potentially active burrows within 160 feet of the active burrow. Forty-eight hours after the installation of the one-way doors, the doors can be removed, and ground-disturbing activities can proceed. Alternatively, burrows can be filled to prevent reoccupation.
- h) During construction activities, monthly and final compliance reports shall be provided to California Department of Fish and Wildlife, the Kern County Planning and Natural Resources Department, and other applicable resource agencies documenting the effectiveness of mitigation measures and the level of burrowing owl take associated with the proposed project.
- MM 4.3-16: a) Should burrowing owls be found on-site, compensatory mitigation for lost breeding and/or wintering habitat shall be implemented onsite or off-site in accordance with burrowing owl Staff Report guidance and in consultation with California Department of Fish and Wildlife. At a minimum, the following recommendations shall be implemented:
 - i. Temporarily disturbed habitat shall be restored, if feasible, to pre-project conditions, including decompacting soil and revegetating.
 - ii. Permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat shall be mitigated such that the habitat acreage, number of burrows and burrowing owl impacted are replaced based on a site-specific analysis and shall include:
 - a. Permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non-breeding seasons) comparable to or better than that of the impact area, and with sufficiently large acreage, and presence of fossorial mammals.
 - iii. Permanently protect mitigation land through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission. If the project is located within the service area of a California Department of Fish and Wildlife approved burrowing owl conservation bank, the project operator may purchase available burrowing owl conservation bank credits.

- b) Develop and implement a mitigation land management plan in accordance with burrowing owl Staff Report guidelines to address long-term ecological sustainability and maintenance of the site for burrowing owls.
 - i. Fund the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment.
 - ii. Habitat shall not be altered or destroyed, and burrowing owls shall not be excluded from burrows, until mitigation lands have been legally secured, are managed for the benefit of burrowing owls according to California Department of Fish and Wildlife-approved management, monitoring and reporting plans, and the endowment or other long-term funding mechanism is in place or security is provided until these measures are completed.
 - iii. Mitigation lands should be on, adjacent or proximate to the impact site where possible and where habitat is sufficient to support burrowing owls present.
 - iv. Consult with the California Department of Fish and Wildlife when determining off-site mitigation acreages.
- MM 4.3-17: Prior to issuance of grading or building permits the project operator shall:
 - a. The project operator shall mitigate for permanent impacts to suitable desert tortoise and Mohave ground squirrel habitat, should an Incidental Take Permit be required from CDFW, through an approved mitigation bank or in-lieu fee program.-Compensatory mitigation acreage for permanent impacts to western burrowing owl nesting, occupied, and satellite burrows and/or western burrowing owl habitat shall be determined and acquired in consultation with the wildlife or resource agency. Compensatory mitigation lands purchased may provide habitat for all three species, as well as rare plants and State Waters (only if impacted by the project). Verification of compliance shall be submitted to the Kern County Planning and Natural Resources Department.
 - b. Prepare a Habitat Mitigation and Monitoring Plan, (if required should an Incidental Take Permit be required for the project) that outlines all project compensatory mitigation for desert tortoise, western burrowing owl and Mohave ground squirrel, in coordination with the California Department of Fish and Wildlife, and RWQCB.
 - i. Compensatory lands shall be of similar or better quality than habitat lost, and preferably shall be located in the vicinity of the site.
 - ii. Compensatory lands shall be permanently preserved through a conservation easement.
 - iii. The Plan shall identify conservation actions to ensure that the compensatory lands are managed to ensure the continued existence of the species.
 - iv. The Plan shall identify an approach for funding assurance for the long term management of the conserved land.

- **MM 4.3-18:** Prior to the issuance of grading or building permit the following shall be implemented:
 - i. Not more than 14 days prior to site clearing, a qualified biologist shall conduct a preconstruction avian nesting survey. Copies of the completed surveys shall be submitted to Kern County Planning and Natural Resources Department.
 - ii. Surveys shall not be conducted for the entire project site at one time; they shall be phased so that surveys occur shortly before that portion of the site is disturbed. The surveying biologist must be qualified to determine the species, status, and nesting stage without causing intrusive disturbance. The survey shall cover all reasonably potential nesting locations on and within 250 feet of the project site—this includes ground nesting species.
 - iii. If construction is scheduled to occur during the non-nesting season (August 2 to January 31), no preconstruction surveys or additional measures are required.
 - iv. If construction begins in the non-breeding season and proceeds continuously into the breeding season, no surveys are required. However, if there is a break of 14 days or more in construction activities during the breeding season, a new nesting bird survey shall be conducted before construction begins again.
 - v. If active nests are found a 250-foot, no-disturbance buffer (or as otherwise determined in consultation with California Department of Fish and Wildlife) shall be created around the active nests. If the nest(s) are found in an area where ground disturbance is scheduled to occur, the project operator shall avoid the area either by delaying ground disturbance in the area until a qualified wildlife biologist has determined that the birds have fledged or by re-locating the project component(s) to avoid the area.
 - vi. All vertical tubes used in project construction, such as solar mounts and chain link fencing poles shall be temporarily or permanently capped at the time they are installed to avoid the entrapment and death of special-status birds.
- **MM 4.3-19**: Prior to the issuance of grading or building permit the following shall be implemented:
 - i. Preconstruction surveys shall be conducted by a qualified biologist for the presence of American badger or desert kit fox dens prior to installation of desert tortoise exclusion fencing. Copies of the completed surveys shall be submitted to Kern County Planning and Natural Resources Department.
 - ii. The survey shall be conducted in areas of suitable habitat for American badger and desert kit fox or Northern harrier, which includes fallow agricultural land and scrub habitats. If no potential American badger or desert kit fox dens are present, no further mitigation is required.
 - iii. If potential dens are observed, the following measures are required to avoid potential adverse effects to American badger and desert kit fox:
 - a. If the qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel to prevent badgers or foxes from re-use during construction.

- b. Passive relocation shall be prohibited during the pupping season, which is February 15 to June 1 for both species. If the qualified biologist determines that potential dens outside the breeding season may be active, the biologist shall notify the California Department of Fish and Wildlife. Entrances to the dens shall be blocked with one-way doors or soil, sticks, and debris for three to five days to discourage use of these dens prior to project disturbance. The den entrances shall be blocked to an incrementally greater degree over the three- to five-day period. After the qualified biologist determines that badgers and foxes have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction. The collapsing of active desert kit fox dens shall not occur without prior consultation with the California Department of Fish and Wildlife. A biologist shall remain on □ call throughout construction in the event a badger or desert kit fox wanders onto the site.
- c. Construction activities shall not occur within 50 feet of active badger dens. The project operator shall contact California Department of Fish and Wildlife immediately if natal badger dens are detected to determine suitable buffers and other measures to avoid take.
- d. Construction activities shall not occur within 100 feet of active kit fox dens. The project operator shall contact California Department of Fish and Wildlife immediately if natal kit fox dens are detected to determine suitable buffers and other measures to avoid take.
- **MM 4.3-20**: Prior to the issuance of a final certificate of occupancy, a Raven Management Plan shall be developed for the project site in consultation with the U.S. Fish and Wildlife Service and California Department of Fish and Game. This plan shall include but is not limited to:
 - i. Identification of all raven nests within the project area during construction;
 - Weekly inspection under all nests in the project area for evidence of desert tortoise predation (scutes, shells, etc.), and, if evidence of predation is noted, submit a report to California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and Kern County Planning and Natural Resources Department within five calendar days; and
 - iii. Provisions for the management of trash that could attract common ravens during the construction and operation phases of the project.
 - iv. Should the U.S. Fish and Wildlife Services determine it is necessary for the proposed project to participate in the regional comprehensive raven management plan, to address biological resources; the project operator shall be subject to compensation through the payment of fees not to exceed \$150 per disturbed acre. Evidence of the U.S. Fish and Wildlife Service and/or California Department of Fish and Game determination and payment of any required fees shall be submitted to the Kern County Planning and Natural Resources Department.
- **MM 4.3-21:** If required (i.e., CDFW jurisdictional streambed is impacted by the project), prior to the issuance of grading or building permits for that component of the project that would directly impact a CDFW jurisdictional area), the project operator shall provide evidence to

the Kern County Planning and Natural Resources Department that a Section 1600 Streambed Alteration Agreement has been obtained from CDFW.

- **MM 4.3-22:** The following measures shall be implemented within the project area to ensure that direct or indirect effects to riparian habitat and jurisdictional waters are minimized:
 - Any laydown areas and/or material and spoils from project activities shall be located away from jurisdictional areas or sensitive habitat and protected from stormwater runoff using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and straw bale barriers, as appropriate.
 - Materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage from contaminating the ground and generally at least 50 feet from the top of bank.
 - Any spillage of material shall be stopped if it can be done safely. The contaminated area shall be cleaned and any contaminated materials properly disposed of. For all spills the project foreman or designated environmental representative shall be notified.
 - All work within the washes shall be conducted to avoid periods of flowing water. Construction within washes shall be timed to occur during the dry season (generally April 15 – October 15) and shall avoid periods in the summer when convective thunderstorms are predicted.
 - If required, compensatory mitigation for Arizona-style crossings, within waters subject to the jurisdiction of CDFW or the RWQCB, shall occur either onsite or offsite-at a ratio no less than 1:1. As outlined in Mitigation Measure MM 4.3-17, if required, a Habitat Mitigation and Monitoring Plan shall be prepared that outlines the compensatory mitigation in coordination with the RWQCB and California Department of Fish and Wildlife.
 - If mitigation is required and onsite mitigation is proposed, the Habitat Mitigation and Monitoring Plan shall identify those portions of the site that contain suitable characteristics (e.g., hydrology) for restoration or enhancement of desert wash scale broom scrub habitat. Determination of mitigation adequacy shall be based on comparison of the restored or enhanced habitat with similar, undisturbed habitat in the site vicinity (such as up or downstream of the site). If mitigation is implemented offsite, mitigation lands shall be comprised of similar or more well-developed desert wash and preferably be located in the vicinity of the site or watershed. Offsite land shall be preserved through a conservation easement and the Plan shall identify an approach for funding assurance for the long-term management of the conserved land.
 - Copies of correspondences and determinations by the RWQCB and California Department of Fish and Wildlife shall be submitted to the Kern County Planning and Natural Resources Department. It is noted that the final mitigation ratio required by the RWQCB and California Department of Fish and Wildlife for acquisition of regulatory permits may differ from that proposed in this environmental impact report.

- **MM 4.3-23:** Prior to issuance of a grading or building permit, the project operator shall provide evidence that the following measures will be implemented with respect to the construction and installation of power lines:
 - a) Construct all power transmission lines to the 2006 Avian Power Line Interaction Committee Guidelines specifications to protect birds from electrocution and collision. Appropriate notes regarding these specifications shall be included on any grading permit, building permit or final map.
 - b) Submit written documentation to the Kern County Planning and Natural Resources Department verifying that all power lines are constructed to Avian Power Line Interaction Committee Guidelines. The project operator shall conform to the latest practices (as outlined in the 2006 Avian Power Line Interaction Committee Guidelines document) to protect birds from electrocution and collision.
 - c) Install power collection and transmission facilities utilizing Avian Power Line Interaction Committee standards for collision reducing techniques as outlined in Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 2006 (Avian Power Line Interaction Committee, 2006).
- **MM 4.3-24:** Prior to the issuance of grading or building permits, the Project Operator shall:
 - a. Provide evidence to the Kern County Planning and Natural Resources Department that consultation with the Kern County Agricultural Commissioner has taken place regarding removal of plants protected under the California Desert Native Plants Act;
 - b. If the Agricultural Commissioner determines that a permit is not required, the project operator shall provide a letter describing the consultation process and Commissioner's determinations, indicating that such authorization is not required. The letter shall also identify the Commissioner's points of contact and contact information;
 - c. If required by the Agricultural Commissioner, the Project Operator shall provide evidence to the Kern County Planning and Natural Resources Department that a California Desert Native Plant removal permit has been obtained.

Significant Effect

The proposed project would not have a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or the USFWS (Impact 4.3-2).

Description of Significant Impact

As with the previously approved project, the proposed project may result in impacts on scale broom scrub, a sensitive natural community subject to CDFW jurisdiction. If necessary, a CDFW Section 1600 Streambed Alteration Agreement will be obtained prior to ground disturbance. Because scale broom scrub onsite occurs within areas identified as potential jurisdictional Waters of the State, impacts to this sensitive community, if any, would be mitigated to less-than-significant levels by implementation of Mitigation Measures MM 4.3-17 and MM 4.3-21 and MM 4.3-22.

Finding

The project has the potential to have a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or the USFWS. However, these impacts would be reduced to a less-than-significant level with the implementation of Mitigation Measures MM 4.3-17, MM 4.3-21 and MM 4.3-22.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.3-17, and MM 4.3-21 and MM 4.3-22 would reduce impacts to less-than-significant levels.

Mitigation Measures

Implement Mitigation Measures MM 4.3-17, described above, and MM 4.3-21 and MM 4.3-22:

- **MM 4.3-21** If required (i.e., if California Department of Fish and Wildlife jurisdictional streambed is impacted by the project), prior to issuance of a grading or building permit for that component of the project that would directly impact a California Department of Fish and Wildlife jurisdictional area, the project operator shall provide evidence to the Kern County Planning and Natural Resources Department that a Section 1600 Streambed Alteration Agreement has been obtained from California Department of Fish and Wildlife.
- **MM 4.3-22** The following measures shall be implemented within the project area to ensure that direct or indirect effects to riparian habitat and jurisdictional waters are minimized:
 - Any laydown areas and/or material and spoils from project activities shall be located away from jurisdictional areas or sensitive habitat and protected from stormwater runoff using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and straw bale barriers, as appropriate.
 - Materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage from contaminating the ground and generally at least 50 feet from the top of bank.
 - Any spillage of material shall be stopped if it can be done safely. The contaminated area shall be cleaned and any contaminated materials properly disposed of. For all spills the project foreman or designated environmental representative shall be notified.
 - All work within the washes shall be conducted to avoid periods of flowing water. Construction within washes shall be timed to occur during the dry season (generally April 15 – October 15), to the maximum extent feasible, and shall avoid periods in the summer when convective thunderstorms are predicted.
 - If required, compensatory mitigation for Arizona-style crossings, within waters subject to the jurisdiction of California Department of Fish and Wildlife or the Regional Water

Quality Control Board, shall occur either on-site or offsite at a ratio no less than 1:1. As outlined in Mitigation Measure MM 4.3-17, if required, a Habitat Mitigation and Monitoring Plan shall be prepared that outlines the compensatory mitigation in coordination with the Regional Water Quality Control Board and California Department of Fish and Wildlife.

- If mitigation is required and onsite mitigation is proposed, the Habitat Mitigation and Monitoring Plan shall identify those portions of the site that contain suitable characteristics (e.g., hydrology) for restoration or enhancement of desert wash scale broom scrub habitat. Determination of mitigation adequacy shall be based on comparison of the restored or enhanced habitat with similar, undisturbed habitat in the site vicinity (such as up or downstream of the site). If mitigation is implemented offsite, mitigation lands shall be comprised of similar or more well-developed desert wash and preferably be located in the vicinity of the site or watershed. Offsite land shall be preserved through a conservation easement and the Plan shall identify an approach for funding assurance for the long term management of the conserved land.
- Copies of correspondences and determinations by the Regional Water Quality Control Board and California Department of Fish and Wildlife shall be submitted to the Kern County Planning and Natural Resources Department. It is noted that the final mitigation ratio required by the RWQCB and California Department of Fish and Wildlife for acquisition of regulatory permits may differ from that proposed in this environmental impact report.

Significant Effect

The project would not have a substantial adverse impact on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) or waters of the State through direct removal, filling, hydrological interruption, or other means (Impact 4.3-3).

Description of Significant Impact

Isolated washes and wetland features in the Mojave Desert are typically subject to the RWQCB and CDFW jurisdiction as Waters of the State under Sections 1600-1616 of the California Fish and Game Code and the Porter Cologne Act. A delineation of Waters of the State was conducted within the project site in January 2018. A total of approximately 26.3 acres of Waters of the State within the project site. Mitigation Measure MM 4.3-21 requires that if CDFW jurisdictional areas are impacted by the project, a Section 1600 Streambed Alteration Agreement would be obtained prior to ground disturbance activities on the proposed project site that directly impact CDFW jurisdictional areas. In addition, implementation of Mitigation Measure MM 4.3-22 would ensure that direct or indirect effects to jurisdictional waters are minimized. As with the previously approved project, direct and indirect impacts to Waters of the State resulting from implementation of the proposed project (including grading, sedimentation, surface runoff, introduction of pollutants, and erosion) would be considered significant. Implementation of Mitigation Measures MM 4.3-17, MM 4.3-21, and MM 4.3-22 would reduce impacts of the project to Waters of the State to less than significant levels.

Finding

The project has the potential to substantial adverse impact on federally protected wetlands or waters of the State through direct removal, filling, hydrological interruption. However, impacts would be reduced to a less-than-significant level with the implementation of Mitigation Measures MM 4.3-1, MM 4.3-10, MM 4.3-17, MM 4.3-21, MM 4.3-22, described above, and MM 4.7-1 (as described in Section 4.7, Hazards and Hazardous Materials), MM 4.5-2 (as described in Section 4.5, Geology and Soils), MM 4.8-1, MM 4.8-2, and MM 4.8-3 (as described in Section 4.8, Hydrology and Water Quality).

Level of Significance

Impacts would be less than significant for the project with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.3-1, MM 4.3-10, MM 4.3-17, MM 4.3-21, MM 4.3-22, described above, and MM 4.7-1 (as described in Section 4.7, Hazards and Hazardous Materials), MM 4.5-2 (as described in Section 4.5, Geology and Soils), MM 4.8-1, MM 4.8-2, and MM 4.8-3 (as described in Section 4.8, Hydrology and Water Quality) would further reduce impacts to a less-than-significant level.

Significant Effect

The proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites (Impact 4.3-4).

Description of Significant Impact

The propose project may provide foraging grounds for special-status and otherwise protected raptors. Impacts to the movement of native resident or migratory species through the wash corridors may result from installation of power transmission lines that could result in avian collisions and electrocution risks. As described in Section 4.1, *Aesthetics*, lighting onsite would consist of low intensity, motion sensor lights used for security purposes. In addition, as required in the Kern County Dark Skies Ordinance (Chapter 19.81) and the Kern County Development Standards, all lighting would be directed onsite and would include shielding to minimize lighting outside of the project area. Therefore, project lighting is not expected to increase risk of avian collisions or provide an attractant to migratory birds. With implementation of Mitigation Measures MM 4.1-4 and MM 4.3-23, potential impacts of the introduction of artificial lighting and the installation of power transmission lines on raptors would be reduced to less than significant levels.

Finding

The project has the potential to interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. However, these impacts would be reduced to a less-than-significant level with the implementation of Mitigation Measure MM 4.1-4 (as described in Section 4.1, Aesthetics) and Mitigation Measure MM 4.3-23.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.1-4 (as described in Section 4.1, Aesthetics) and Mitigation Measure MM 4.3-23, described above, would reduce impacts to a less-than-significant level.

C. Environmental Effects of the Project that Cannot Be Mitigated to a Less Than Significant Level.

The proposed project would not have any environmental effects on biological resources that cannot be mitigated to a less-than-significant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

The proposed project would not have any cumulative effects on biological resources that would be less than significant.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant and Unavoidable Impact on the Environment.

Significant Effect

The proposed project would have a cumulative environmental impact on biological resources.

Description of Significant Impact

When considered with other past, present, and reasonably foreseeable future projects, the project would have an incremental contribution to a cumulative loss of low-quality foraging habitat for golden eagles and other special-status raptors, as well as the loss of existing and potential transient wildlife habitat and foraging opportunities for species that currently utilize the project area, even with the implementation of mitigation measures including avoidance, minimization and compensation. Therefore, the proposed project, coupled with other development proposed in the area, would result in a significant and unavoidable contribution to cumulative loss of habitat for primarily transient species that may utilize habitat at the project area.

Finding

The proposed project in combination with other projects would contribute to a cumulative loss of lowquality foraging habitat for golden eagles and other special-status raptors, as well as the loss of existing and potential transient wildlife habitat and foraging opportunities for species that currently utilize the project area. Even with the implementation of Mitigation Measures MM 4.1-4 (as described in Section 4.1, Aesthetics), MM 4.3-1 through MM 4.3 \Box 24, MM 4.5-2 (as described in Section 4.5, Geology and Soils), MM 4.7-1 (as described in Section 4.7, Hazards and Hazardous Materials), MM 4.8-1, MM 4.8-2, and MM 4.8-3 (as described in Section 4.8, Hydrology and Water Quality), cumulative impacts would be significant and unavoidable.

Level of Significance

Cumulative impacts would be significant and unavoidable for the project, even with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.1-4 (as described in Section 4.1, Aesthetics), MM 4.3-1 through MM $4.3\Box 24$, MM 4.5-2 (as described in Section 4.5, Geology and Soils), MM 4.7-1 (as described in Section 4.7, Hazards and Hazardous Materials), MM 4.8-1, MM 4.8-2, and MM 4.8-3 (as described in Section 4.8, Hydrology and Water Quality), described above, would reduce impacts but not to a less-than-significant level. Impacts would remain significant and unavoidable.

CULTURAL RESOURCES

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

None of the proposed project's environmental effects on cultural resources have been found to result in no impacts or only less-than-significant impacts.

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The project would not cause a substantial adverse change in the significance of a historical resource, as defined in *CEQA Guidelines* Section 15064.5 (Impact 4.4-1).

Description of Significant Impact

The proposed project has the potential to impact 16 archaeological sites, one sub modern site and 24 isolates. None of the sites were determined potentially eligible for listing to the NRHP or CRHR. Monitoring within 100 feet of known historical resources will also be implemented per Mitigation Measures MM 4.4-1 and MM 4.4-10. Implementation of mitigation measures would reduce impacts to cultural resources to less than significant levels.

Finding

The proposed project has the potential to cause a substantial adverse change in the significance of an historical resource. However, these impacts would be reduced to a less-than-significant level with the implementation of Mitigation Measures MM 4.4-1 and MM 4.4-10.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.4-1 would reduce impacts to less-than-significant levels.

Mitigation Measures

- **MM 4.4-1:** Prior to issuance of grading permits, the project operator shall:
 - a) Retain a qualified archaeologist, defined as an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards as published in Title 36, Code of Federal Regulations, part 61 (36 CFR Part 61) to carry out all mitigation measures related to archaeological and historical resources.
 - b) The services of a qualified archaeological monitor and Native American monitor shall be retained by the project operator to monitor all ground-disturbing activities associated with the construction of the proposed project. The Native American monitor shall be selected from a list of Native American contacts with traditional ties to the project area, provided by the Native American Heritage Commission and/or consultation with Native American tribal groups who may have interest in the project area. The archaeological monitor shall work under the supervision of the qualified archaeologist.
 - c) The qualified archaeologist, archaeological monitor and Native American monitor shall be provided all project documentation related to cultural resources prior to commencement of ground disturbance activities. Project documentation shall include but not be limited to previous cultural studies, surveys, maps, drawings, etc. Any modifications or updates to project documentation, including construction plans and schedules, shall immediately be provided to the qualified archaeologist, archaeological monitor and Native American monitor.
- **MM 4.4-10:** Prior to the issuance of grading or building permits, and for the duration of construction activities, a Construction Worker Environmental and Cultural Awareness Training Program shall be provided to all new construction workers within one week of employment at the project site, laydown area and/or transmission routes. The training shall be prepared and conducted by the qualified archaeologist and may include participation of the Native American Monitor. The training may be in the form of a video. The qualified archaeologist shall be available to answer questions posed by employees. The training may be discontinued when ground disturbance is completed or suspended, but must resume when construction activities resume. The training shall include, but not be limited to:
 - i. A discussion of applicable cultural resources statues, regulations and related enforcement provisions;
 - ii. An overview of the prehistoric and historic environmental setting and context, as well as current cultural information regarding local tribal groups, provided by the Native American Monitor or tribal leader;
 - iii. A summary of the effects of the proposed project on cultural resources;
 - iv. Samples or visuals of artifacts that might be found in the project area;
 - v. A discussion of what such artifacts may look like when partially or totally buried and then freshly exposed;

- vi. A discussion of what prehistoric and historic archaeological deposits look like at the surface and when exposed during construction;
- vii. Instruction that in the event cultural resources are unearthed during grounddisturbing activities, the qualified archaeologist, the archaeological monitor and/or Native American monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the site until the qualified archaeologist has evaluated the find, determined whether the find is culturally sensitive, and designs an appropriate short-term and long term treatment plan. The qualified archaeologist, in consultation with the Planning and Natural Resources Department and Native American Monitor shall establish an appropriate protocols and procedures for minimizing impacts during construction and future impacts during project operation and maintenance;
- viii. An informational guide that identifies the reporting procedures in the event of a discovery;
- ix. Other information as deemed necessary by the qualified archaeologist or Native American Monitor;
- x. An acknowledgement form signed by each worker indicating that environmental/ cultural training has been completed.
- xi. A sticker that shall be placed on hard hats indicating that the worker has completed the environmental/ cultural training. Construction workers shall not be permitted to operate equipment within the construction area unless they have attended the training and are wearing hard hats with the required sticker;
- xii. A copy of the training transcript and/or training video, as well as a list of the names of all personnel who attended the training and copies of the signed acknowledgement forms shall be submitted to the Kern County Planning and Natural Resources Department.
- **MM 4.4-11:** Prior to issuance of a grading permit, a qualified archaeological monitor and Native American monitor shall be retained by the project operator to monitor ground disturbing activities including, but not limited to, brush clearance and grubbing, grading, trenching, excavation, installation of panel support structures, and the construction of fencing and access roads. Monitoring shall include, at a minimum, all ground-disturbing activities, as defined above, within landforms Hf1, Hf1d, Hf2, and Hf4 (as defined in the geoarchaeological report prepared for the project [Far Western. May 2009], Landform Structure and Archaeological Sensitivity in the Beacon Solar Energy Project Area]; within unknown landforms; and within 100 feet of all significant or unevaluated historical. The duration and timing of monitoring shall be determined by the qualified archaeologist in consultation with the Lead Agency and based on the grading plans.

In the event cultural resources are unearthed during ground disturbing activities, the qualified archaeologist, the archaeological monitor and/or Native American monitor shall be empowered to halt or redirect ground disturbing activities away from the vicinity of the site until the qualified archaeologist has evaluated the find, determined whether the find is eulturally sensitive, and designs an appropriate short term and long term treatment plan.

The qualified Archaeologist, in consultation with the Planning and Natural Resources Department and Native American Monitor shall establish an appropriate protocols and procedures for minimizing impacts during construction and future impacts during project operation and maintenance. The archaeological monitor shall keep daily logs and shall submit quarterly written updates to the Kern County Planning and Natural Resources Department. After monitoring has been completed, the qualified archaeologist shall prepare a monitoring report that details the results of monitoring, which shall be submitted to the Kern County Planning and Natural Resources Department and to the Southern San Joaquin Valley Information Center at California State University, Bakersfield. (SR-3/14/19)

Significant Effect

The project would not cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074 (Impact 4.4-2).

Description of Significant Impact

The proposed project has the potential to impact tribal cultural resources. All tribes with possible cultural affiliation and interest within the project area were notified, per Assembly Bill 52. To date, no correspondence has been received regarding consultation.

Finding

The proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074. Implementation of Mitigation Measures MM 4.4-1 and MM 4.4-10 would further reduce impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.4-1, described above, would reduce impacts to less-than-significant levels.

Significant Effect

The project would not cause a substantial adverse change in the significance of an archaeological resource, as defined in *CEQA Guidelines* Section 15064.5 (Impact 4.4-3).

Description of Significant Impact

The proposed project has the potential to impact 16 archaeological sites. However, none of the sites were determined potentially eligible for listing to the NRHP or to the CRHR. Monitoring within 100 feet of known resources will be implemented per Mitigation Measures MM 4.4-1 and MM 4.4-10. The project could also impact previously unknown, buried archaeological resources. The field study conducted for the project identified the potential for subsurface prehistoric cultural resources within the project site. Therefore, there is a possibility that buried archaeological deposits may be encountered during project-related excavation throughout the project site. In the event that unknown archaeological resources that qualify as unique archaeological resources are discovered during project construction, significant impacts

could result. Impacts to unknown resources that could qualify as unique archaeological resources would be mitigated to less-than-significant levels through the implementation of Mitigation Measures MM 4.4-12.

Finding

The proposed project has the potential to cause a substantial adverse change in the significance of an archeological resource. However, these impacts would be reduced to a less-than-significant level with the implementation of Mitigation Measures MM 4.4-1, and MM 4.4-10 through MM 4.4-12.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.4-1, MM 4.4-10 through MM 4.4-12, would reduce impacts to less-than-significant levels.

Mitigation Measures

Implementation of Mitigation Measures MM 4.4-1, MM 4.4-10 and 4.4-11, described above, and MM 4.4-12:

MM 4.4-12: If cultural resources are encountered during the course of ground disturbing activities, the project operator shall cease any ground disturbing activities within 100 feet of the find until it can be evaluated by the qualified archaeologist. Cultural resource materials may include, but are not limited to, prehistoric lithic artifacts, groundstone, fire-affected rock, midden (culturally-modified soil), historic-era household debris, ceramics, industrial materials, glass, metal, wood, brick, or structural remnants. If the qualified archaeologist determines that the resources may be significant, he or she shall notify the Planning and Natural Resources Department and shall develop an appropriate treatment plan for the resources. Treatment measures may include avoidance, preservation, removal, data recovery, protection, or other measures developed in consultation with the Planning and Natural Resources Department. Avoidance or preservation in place shall be the preferred means of mitigating impacts to cultural resources. The Planning and Natural Resources Department shall consult with appropriate Native American representatives in determining appropriate treatment for unearthed cultural resources if the resources are prehistoric or Native American in nature. Archaeological materials recovered during any investigation shall be curated at an accredited curational facility, if curation is deemed appropriate. A curation agreement between the project operator and accredited curational facility shall be executed prior to the issuance of a grading permit.

Significant Effect

The project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (Impact 4.4-4).

Description of Significant Impact

Geologic mapping indicates that the project area is underlain by surficial deposits of younger Quaternary Alluvium, derived primarily as fan deposits from the mountains to the northwest, and Pleistocene to Quaternary age lake bed deposits in the northeastern portion of the project area. The younger Quaternary Alluvium is typically not paleontologically sensitive; however, the younger Quaternary Alluvium is underlain by older Quaternary alluvium deposits, which may contain Pleistocene-age sedimentary deposits and scientifically significant fossils that may be preserved within them. Similarly, lake bed deposits present on the surface are not considered paleontologically sensitive; however, these sediments increase in age with depth, and at depth may produce significant paleontological resources. Based on the results of the paleontological literature review, records search, and field survey, paleontological sensitivity of the project area ranges from low to medium. Mitigation Measure MM 4.4-13a would reduce impacts to paleontological resources to a less-than-significant level.

Finding

The proposed project has the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. However, these impacts would be reduced to a less-than-significant level with the implementation of Mitigation Measure MM 4.4-13a.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.4-13a would reduce impacts to a less-than-significant level.

MM 4.4-13a Prior to issuance of a grading permit, a paleontological resource monitoring and mitigation plan (PRMMP) shall be prepared. The PRMMP shall provide detailed recommended monitoring locations; a description of a worker training program; detailed procedures for monitoring, fossil recovery, laboratory analysis, and museum curation; and notification procedures in the event of a fossil discovery by a paleontological monitor or other project personnel. As part of the PRMMP, a curation agreement with LACM or another accredited repository shall be obtained, or alternatively, this requirement shall be specific in the PRMMP to address any discovery of subsequent curation of paleontological resources.

It is recommended that construction excavations that disturb Pleistocene sediments be monitored by a professional paleontologist.

Further, all excavations in all locations of the project site mapped as Quaternary older alluvial deposits (Qoa) shall be initially monitored to determine whether project excavations will disturb Pleistocene-age sedimentary deposits. Areas mapped as Quaternary alluvial deposits (Qa) shall be spot-checked during excavations that exceed depths of 5 feet to check for underlying, paleontologically-sensitive Pleistocene-age sedimentary deposits. If older deposits are observed, full time monitoring shall be implemented in these areas.

If it is determined that only Quaternary alluvial deposits (Qa), quartz monzonite, and/or artificial fill is impacted, the paleontological monitoring program shall be reduced or suspended.

Any subsurface bones or potential fossils that are unearthed during construction shall be evaluated by a professional paleontologist as described in PRMMP.

Significant Effect

The project would not disturb any human remains, including those interred outside of formal cemeteries (Impact 4.4-5).

Description of Significant Impact

There is no indication, either from the archival research results or the archaeological survey, that any particular location within the project area has been used for human burial purposes in the recent or distant past. However, in the event that human remains are inadvertently discovered during project construction activities, the human remains could be inadvertently damaged, which could be a significant impact. Implementation of Mitigation Measure MM 4.4-14 would provide a management protocol in the event any human remains are encountered, so they are appropriately addressed. With this mitigation, the potential impacts would be minimized to a less than significant level.

Finding

The proposed project has the potential to disturb human remains, including those interred outside of formal cemeteries. However, these impacts would be reduced to a less-than-significant level with the implementation of Mitigation Measure MM 4.4-14.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.4-14 would reduce impacts to a less-than-significant level.

Mitigation Measures

MM 4.4-14: If human remains are uncovered during project construction, the project operator shall immediately halt work, contact the Kern County Coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.5 (e)(1) of the CEQA Guidelines. The Kern County Planning and Natural Resources Department shall also be notified of the discovery. If the County Coroner determines that the remains are Native American, the project operator shall contact the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by AB 2641). Per Public Resources Code 5097.98, the project operator shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section (PRC

5097.98), with the most likely descendent regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.

C. Environmental Effects of the Project that Cannot Be Mitigated to a Less Than Significant Level.

The proposed project would not have any environmental effects on cultural resources that cannot be mitigated to a less-than-significant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

Significant Effect

The proposed project would not have a cumulative environmental impact on cultural resources.

Description of Significant Impact

The project area contains a significant archaeological and historical record that, in many cases, has not been well documented or recorded. Thus, there is potential for ongoing and future development projects in the vicinity to disturb landscapes that may contain known or unknown cultural resources. The potential construction impacts of the proposed project, in combination with other projects in the area, could contribute to a cumulatively significant impact on cultural resources. However, this analysis includes several mitigation measures to reduce potential project impacts to cultural resources during construction of the proposed project. Therefore, with implementation of Mitigation Measures MM 4.4-1, MM 4.4-10 through MM 4.4-12, the proposed project would not contribute considerably to cumulative impacts to archaeological and historical resources and would be considered less than significant.

Excavation activities associated with the proposed project in conjunction with other projects in the area could contribute to the progressive loss of fossil remains, as-yet unrecorded fossil sites, associated geological and geographic data, and fossil bearing strata. However, the proposed project would have a less than significant impact to paleontological resources with incorporation of Mitigation Measure MM 4.4-13a. Therefore, with the implementation of Mitigation Measure MM 4.4-13a, cumulative impacts to paleontological resources would be less than significant. Furthermore, implementation of Mitigation Measure MM 4.4-14 would mitigate the project's potential to disturb any human remains, including those interred outside of formal cemeteries, and cumulative impacts to human remains would be less than significant.

Finding

The project has the potential to result in cumulative impacts in regards to cultural resources. The implementation of Mitigation Measures MM 4.4-1 and MM 4.4-10 through MM 4.4-14 would reduce impacts to less-than-significant levels.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.4-1 and MM 4.4-10 through MM 4.4-14, described above, would reduce impacts to less-than-significant levels.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant and Unavoidable Impact on the Environment.

The proposed project would not have a significant and unavoidable cumulative environmental impact on cultural resources.

GEOLOGY AND SOILS

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

None of the proposed project's environmental effects on geology and soils have been found to result in no impacts or only less-than-significant impacts.

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The proposed project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (Impact 4.5-1).

Description of Significant Impacts

As with the previously approved project, new construction requires adherence to the earthquake design requirements of the CBC and is addressed during the building permitting phase of the project. In addition, the Kern County Ordinance requires that all solar facility projects comply with the regulations of the applicable seismic zone of the Uniform Building Code. Personnel present during the construction and operation phases of the proposed project would not be exposed to substantially increased fault rupture hazards as a result of project implementation beyond those that generally exist in the entire project region. Nevertheless, mitigation is proposed to reduce the potential for significant impacts to less-than-significant levels. Implementation of Mitigation Measure MM 4.5-1 would reduce the impacts associated with fault rupture to less-than-significant levels.

Finding

The project has the potential to be impacted by a known fault. The implementation of Mitigation Measure MM 4.5-1 would reduce impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.5-1 would reduce impacts to less-than-significant levels.

Mitigation Measures

MM 4.5-1: Prior to the issuance of grading permits, the project operator shall retain a qualified geotechnical engineer to design the project facilities to withstand probable seismically induced ground shaking at the sites. All grading and construction on site shall adhere to the specifications, procedures, and site conditions contained in the final design plans, which shall be fully compliant with the seismic recommendations of the California-registered professional engineer. The procedures and site conditions shall encompass site preparation, foundation specifications, and protection measures for buried metal. The final structural design shall be subject to approval and follow-up inspection by the Kern County Building Inspection Department. Final design requirements shall be provided to the onsite construction supervisor and the Kern County Building Inspector to ensure compliance. A copy of the approved design shall be submitted to the Kern County Planning and Natural Resources Department.

Significant Effect

The proposed project would not would expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking (Impact 4.5-2).

Description of Significant Impacts

As with the previously approved project, the proximity of existing active faults to the project site presents the potential for strong seismic ground shaking, resulting in damage to structures that are not properly designed to withstand strong ground shaking. As with the previously approved project, the project proponent is required to design project infrastructure to withstand substantial ground shaking in accordance with applicable CBC seismic design standards, Kern County Building Code, Chapter 17.08, and as recommended by a California registered professional engineer in the site-specific geotechnical review. Implementation of Mitigation Measure MM 4.5-1 would reduce impacts to less than significant.

Finding

The project has the potential to be impacted by ground shaking. The implementation of Mitigation Measure MM 4.5-1 would reduce impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.5-1, described above, would reduce impacts to less-than-significant levels.

Significant Effect

The project would expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic related ground failure, including liquefaction (Impact 4.5-3).

Description of Significant Impact

According to the *CEQA Level Geotechnical Study* prepared for the proposed project, the project site is not located within a current, mapped California Liquefaction Hazard Zone. Furthermore, shallow groundwater is not present in the vicinity of the project site. Groundwater in the site vicinity is expected to be approximately 225 feet below the ground surface. Based on these considerations, the potential for liquefaction on the project site is low. As with the previously approved project, with adherence to all applicable regulations and implementation of Mitigation Measure MM 4.5-1, the proposed project would avoid potential impacts to structures resulting from liquefaction at the project site. Impacts associated with liquefaction would be less than significant.

Finding

The project has the potential to be impacted by liquefaction. The implementation of Mitigation Measure MM 4.5-1, described above, would reduce impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.5-1, described above, would reduce impacts to less-than-significant levels.

Significant Effect

The project would not result in substantial soil erosion or the loss of topsoil (Impact 4.5-4).

Description of Significant Impact

During rainfall events, and particularly during construction activities when surface soils are exposed, there is the possibility of significant surface erosion and off-site sediment transportation. Project construction would therefore have the potential to result in erosion, sedimentation, and discharge of construction debris from the project site. As outlined in Mitigation Measures MM 4.8-1 and MM 4.8-2 of the Beacon EIR, the project operator would be required to obtain a National Pollutant Discharge Elimination System (NPDES) General Construction Permit because the project would disturb at least 1 acre of soil, and prepare a drainage plan to minimize erosion and water run-off. Potential soil erosion impacts are therefore considered to be significant; however, implementation of Mitigation Measures MM 4.5-2 through MM 4.5-4, MM 4.8-1 and MM 4.8-2, as described in the Beacon EIR, would reduce the significance of soil erosion impacts to less-than-significant levels.

Finding

The project has the potential to result in substantial soil erosion or the loss of topsoil. The implementation of Mitigation Measures MM 4.5-2 through MM 4.5-4, and MM 4.8-1, and MM 4.8-2 (as described in Section 4.8 Hydrology and Water Quality), would reduce impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.5-2 through MM 4.5-4, and MM 4.8-1, and MM 4.8-2 (as described in Section 4.8, *Hydrology and Water Quality*), would reduce impacts to less-than-significant levels.

Mitigation Measures

Implementation of Mitigation Measures MM 4.5-2 through MM 4.5-4, and MM 4.8-1 and MM 4.8-2 (as described in Section 4.8, *Hydrology and Water Quality*):

- **MM 4.5-2:** The project operator shall limit grading to the minimum area necessary for construction. The operator shall retain a California registered professional engineer to review the final grading earthwork and foundation plans prior to construction.
- **MM 4.5-3:** The project operator shall prepare a Soil Erosion and Sedimentation Control Plan to mitigate potential loss of soil and erosion. The plan shall be prepared by a California registered civil engineer or other professional and submitted for review and approval by the Kern County Public Works Department Development Review. The plan shall include, but is not limited to, the following:
 - i. Best Management Practices to minimize soil erosion consistent with Kern County grading requirements and the California Regional Water Quality Control Board requirements pertaining to the preparation and approval of a Stormwater Pollution Prevention Plan (Best Management Practices recommended by the Kern County Public Works Department Development Review shall be reviewed for applicability);
 - ii. Provisions to maintain flow in washes, should it occur, throughout construction;
 - iii. Provisions for site revegetation using native plants;
 - iv. Sediment collection facilities as may be required by the Kern County Public Works Department Development Review;
 - v. A timetable for full implementation, estimated costs, and a surety bond or other security as approved by the County; and

Other measures required by the County during permitting, including long-term monitoring (post-construction) of erosion control measures until site stabilization is achieved.

- **MM 4.5-4:** The project operator shall conduct grading activities pursuant to Kern County Grading Ordinance, Chapter 17.28 and as follows:
 - i. Grade sites near slopes and embankments in a way that would prevent or minimize erosion damage to the slope;
 - ii. Seed or otherwise revegetate complete slopes;
 - iii. On steeper slopes, including wash embankments as necessary, use mulching or biodegradable erosion control blankets as appropriate to stabilize the topsoil until vegetation can be reestablished; and
 - iv. On slopes where unusual flow conditions (e.g., flooding) are expected, employ more substantial erosion protection measures such as grouted cobble slope facings or manufactured slope protection.

Significant Effect

The project would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse (Impact 4.5-5).

Description of Significant Impact

As discussed above for Impact 4.5-3, due to depth to groundwater, potential for liquefaction at the surface of the project site is low. With adherence to all applicable regulations, the proposed project would avoid potential impacts to structures resulting from liquefaction at the project site and implementation of Mitigation Measure MM 4.5-1 impacts would be less than significant.

Finding

The project has the potential to result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse. The implementation of Mitigation Measure MM 4.5-1 would reduce impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.5-1, described above, would reduce impacts to a less-than-significant level.

Significant Effect

The project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property (Impact 4.5-6).

Description of Significant Impact

According to the *CEQA Level Geotechnical Study* prepared for the proposed project (Appendix K of this SEIR), a large portion of the soil materials at the project site will not be considered expansive. With adherence to all applicable regulations, the proposed project would avoid potential impacts to structures resulting from expansive soils at the project site and implementation of Mitigation Measure MM 4.5-1, impacts would be less than significant.

Finding

The project would not be located on expansive soil. The implementation of Mitigation Measure MM 4.5-1 would further reduce impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.5-1, described above, would reduce impacts to a less-than-significant level.

Significant Effect

The project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater (Impact 4.5-7).

Description of Significant Impact

As with the previously approved project, the proposed project includes development of a septic system and leach field for the operation and maintenance building. The septic system and leach field would be constructed to comply with applicable requirements of the Kern County Environmental Health Services Division. Proper siting and design of the leach field would minimize potential for a health impact from flooding. If not designed correctly, septic systems could result in health impacts, adversely affect natural habitat, and pollute groundwater. Therefore, potential impacts related to construction of a septic system are significant. As with the previously approved project, implementation of Mitigation Measure MM 4.5-5 would reduce the impacts to less-than-significant levels.

Finding

The project has the potential to result in soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater. The implementation of Mitigation Measure MM 4.5-5 would reduce impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.5-5 would reduce impacts to a less-than-significant level.

Mitigation Measures

MM 4.5-5: Prior to the issuance of any building permit for the operation and maintenance facility, the project operator shall obtain all required permits and approvals from Kern County Environmental Health Services Division, and shall implement all required conditions regarding the design and siting of the septic system and leach fields.

C. Environmental Effects of the Project that Cannot Be Mitigated to a Less Than Significant Level.

The proposed project would not have any environmental effects related to geology and soils that cannot be mitigated to a less-than-significant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

Significant Effect

The proposed project would not have a cumulative environmental impact on geology and soils.

Description of Significant Impact

All areas of Kern County are considered seismically active, to a less or greater extent. Impacts of the proposed project would be cumulatively considerable if they would have the potential to combine with similar impacts of other past, present, or reasonably foreseeable projects. Cumulative projects listed in Table 3-4, "Cumulative Projects List" and shown in Figure 3-7 (refer to the Beacon EIR) would also be subject to similar seismic hazards. However, the effects of these projects are not of a nature to cause cumulatively significant effects from geologic impacts or on soils because such impacts are site specific and would only have the potential to combine with impacts of the proposed project if they occurred in the same location as the project.

Additionally, on-site soils generally offer rapid permeability and level slopes (typically 0 to 5 percent slopes). As a result, the proposed project is not highly susceptible to erosion. As with the previously approved project, implementation of a Stormwater Pollution Prevention Plan (SWPPP) and best management practices (BMPs) would reduce erosion from the proposed project. Implementation of the SWPPP and BMPs would reduce erosion from the proposed project. All planned projects in the vicinity of the proposed project are subject to review in separate environmental documents that would require conformance to the Kern County General Plan, including mitigation of seismic hazards and engineering to ensure soil stability. With implementation of Mitigation Measures MM 4.5-1 through 4.5-5, as well as Mitigation Measures MM 4.8-1 and MM 4.8-2, the proposed project would not contribute to any cumulative impacts for seismic hazards or related events.

Finding

The project has the potential to result in cumulative impacts in regards to geology and soils. The implementation of Mitigation Measures MM 4.5-1 through MM 4.5-4, and Mitigation Measures MM 4.8-1 and MM 4.8-2 (as described in Section 4.8 Hydrology and Water Quality), would reduce impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.5-1 through MM 4.5-4, described above, and Mitigation Measures MM 4.8-1 and MM 4.8-2 (as described in Section 4.8 Hydrology and Water Quality), would reduce impacts to a less-than-significant level.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant and Unavoidable Impact on the Environment.

The proposed project would not have a significant and unavoidable cumulative environmental impact on geology and soils.

GREENHOUSE GAS EMISSIONS

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

The project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment (Impact 4.6-1).

The project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases (Impact 4.6-2).

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

The proposed project would not have any environmental effects related to greenhouse gas emissions that are potentially significant and no mitigation is required.

C. Environmental Effects of the Project that Cannot Be Mitigated to a Less Than Significant Level.

The proposed project would not have any environmental effects related to greenhouse gas emissions that cannot be mitigated to a less-than-significant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

The proposed project would not have a cumulative environmental impact on greenhouse gas emissions.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant and Unavoidable Impact on the Environment.

The proposed project would not have a significant and unavoidable cumulative environmental impact on greenhouse gas emissions.

HAZARDS AND HAZARDOUS MATERIALS

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

None of the proposed project's environmental effects on hazards and hazardous materials have been found to result in no impacts or only less-than-significant impacts.

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (Impact 4.7-1).

Description of Significant Impact

Construction of the proposed project would not involve the routine transport, use and disposal of limited amounts of hazardous materials as defined by the Hazardous Materials Transportation Uniform Safety Act. Most of the hazardous waste generated by the project would occur during the construction period and would consist of liquid waste, including cleaning fluids, dust palliative, herbicides, and solvents. Fuels and lubricants used on field equipment would be subject to the Material Disposal and Solid Waste Management Plan, and a Spill Prevention, Containment and Countermeasure Plan. Liquids and oils in the transformer and other equipment would be used in accordance with applicable regulations. The disposal of all oils, lubricants, and spent filters would be performed in accordance with all applicable regulations. In addition, the implementation of Mitigation Measure MM 4.7-1, if required to comply with state and federal laws would reduce impacts related to hazards during construction to less than significant.

Finding

The proposed project has the potential to result significant impacts related to the transport, use, or disposal of hazardous materials. The implementation of Mitigation Measures MM 4.7-1 would reduce impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation Mitigation Measures MM 4.7-1 would reduce impacts to a less-than-significant level.

Mitigation Measures

- **MM 4.7-1.** Prior to the issuance of grading or building permits, the project proponent shall prepare a Hazardous Materials Business Plan and submit it to the Kern County Environmental Health Services Division/Hazardous Materials Section for review and approval.
 - 1. The Hazardous Materials Business Plan shall:
 - a. Delineate hazardous material and hazardous waste storage areas;
 - b. Describe proper handling, storage, transport, and disposal techniques;
 - c. Describe methods to be used to avoid spills and minimize impacts in the event of a spill;
 - d. Describe procedures for handling and disposing of unanticipated hazardous materials encountered during construction;
 - e. Establish public and agency notification procedures for spills and other emergencies including fires; and
 - f. Include procedures to avoid or minimize dust from existing residual pesticide and herbicide use that may be present on the site.
 - 2. The project operator shall provide the Hazardous Materials Business Plan to all contractors working on the project and shall ensure that one copy is available at the project site at all times.
 - 3. A copy of the approved Hazardous Materials Business Plan shall be submitted to the Kern County Planning and Natural Resources Department.

Significant Effect

The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (Impact 4.7-2).

Description of Significant Impact

Potential impacts that may result from construction of the proposed project include the accidental release of materials, such as cleaning fluids and petroleum products including lubricants, lithium, fuels, and solvents. However, the implementation of a Mitigation Measure MM 4.7-1 would reduce this impact to a less-than-significant level.

As with the previously approved project, removal and/or maintenance of vegetation may require pesticide and herbicide use during both construction and operation. If not handled properly, use of these products could create a hazard to the public (construction workers, maintenance employees, and nearby residences),

resulting in a potentially significant impact. Mitigation Measure MM 4.7-2 would reduce impacts related to use of pesticides and herbicides.

As with many former agricultural properties, it is possible that irrigation lines on the project site may contain asbestos or be wrapped in asbestos. As previously indicated above, there is one house within Site 5 located along Barrel Cactus Street. This house would be demolished as part of the proposed project. This structure may have been constructed when asbestos was used for wall, pipe and attic insulation. If suspect asbestos-containing materials are uncovered during construction, Mitigation Measure MM 4.7-3 would require all work at the project site to halt so that a proper assessment can be made of the suspect materials. Implementation of Mitigation Measure MM 4.7-3 would reduce impacts related to hazards during construction to less than significant.

A Phase I ESA was conducted on the project site to identify RECs. The presence of a former diesel UST, current diesel AST, potential residual diesel concentrations in soil, unlabeled 55-gallon drums, and evidence of spills on Site 5, is considered a REC. Therefore, Mitigation Measure MM 4.7-4 is recommended, which would require samples of on-site soils to be analyzed and removed appropriately if determined to contain hazardous quantities of contaminants prior to ground disturbance activities on Site 5. Mitigation Measure MM 4.7-4 is not required for Sites 1 through 4.

Based on past use of APNs 470-020-11, 470-020-12, and 470-020-13 of Site 5 for agricultural purposes, pesticides and or herbicides may have been utilized and near-surface soils may have at one time contained these compounds. The parcels have been vacant and undeveloped since then, indicating that the near-surface soils have not been reworked and residual pesticides and or herbicides may still be present in the soil. Therefore, historical agricultural use of APNs 470-020-11, 470-020-12, and 470-020-13 of Site 5 is considered a REC. Therefore, Mitigation Measure MM 4.7-4 is recommended, which would require samples of on-site soils to be analyzed and removed appropriately if determined to contain hazardous quantities of contaminants prior to ground disturbance activities on Site 5. Mitigation Measure MM 4.7 4 is not required for Sites 1 through 4.

Finding

The proposed project has the potential to result significant impacts related to the transport, use, or disposal of hazardous materials. However, implementation of Mitigation Measures MM 4.7-1 through MM 4.7-3 and MM 4.7-4 (for Site 5 only) would reduce impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.7-1, described above, and Mitigation Measures MM 4.7-2, MM 4.7-3, and MM 4.7-4 (for Site 5 only), described below, would reduce impacts to a less-than-significant level.

Mitigation Measures

Implement Mitigation Measures MM 4.7-1, described above, and MM 4.7-2 through MM 4.7-4:

- MM 4.7-2: Herbicides should not be used without approval by the Kern County Planning and Natural Resources Department and California Department of Fish and Wildlife. The contractor or project personnel shall use herbicides that are approved by the California Department of Fish and Wildlife and U.S Fish and Wildlife Service. Personnel applying herbicides shall have all appropriate state and local herbicide applicator licenses and comply with all state and local regulations regarding herbicide use. Herbicides shall be mixed and applied in conformance with the manufacturer's directions. The herbicide applicator shall be equipped with splash protection clothing and gear, chemical resistant gloves, chemical spill/splash wash supplies, and material safety data sheets for all hazardous materials to be used. To minimize harm to wildlife, vegetation, and water bodies, herbicides shall not be applied directly to wildlife; products identified as non-toxic to birds and small mammals shall be used if nests or dens are observed; and herbicides shall not be applied if it is raining at the site, rain is imminent, or the target area has puddles or standing water. Herbicides shall not be applied when wind velocity exceeds 10 miles per hour. If spray is observed to be drifting to a non-target location, spraying shall be discontinued until conditions causing the drift have abated. (RTC-3/4/19)
- **MM 4.7-3:** In the event that suspect asbestos-containing materials are uncovered during project construction, work at the project sites shall immediately halt and a qualified hazardous materials professional shall be contacted and brought to the project sites to make a proper assessment of the suspect materials. All potentially friable asbestos-containing materials shall be removed in accordance with Federal, State, and local laws and the National Emissions Standards for Hazardous Air Pollutants guidelines prior to ground disturbance that may disturb such materials. All demolition activities shall be undertaken in accordance with California Occupational Safety and Health Administration standards, as contained in Title 8 of the California Code of Regulations, Section 1529, to protect workers from exposure to asbestos. Materials containing more than 1% asbestos shall also be subject to Eastern Kern Air Pollution Control District regulations. Demolition shall be performed in conformance with Federal, state, and local laws and regulations so that construction workers and/or the public avoid significant exposure to asbestos-containing materials.
- **MM 4.7-4**: Prior to issuance of grading or building permits or any ground disturbance activities on Site 5, the project proponent shall:

Collect representative samples of soils on Site 5. Phase II soil testing is recommended at Site 5 to determine residual herbicide and pesticide chemicals from agricultural activities; and

Phase II soil testing for the area of the former UST, current AST, and hazardous storage area located at Site 5 to evaluate the potential for impacts to the subsurface from these features.

A copy of the Phase II testing and a report of the results and any required remediation shall be submitted to the Kern County Environmental Health Services Division/Hazardous Materials Section as well as Kern County Planning and Natural Resources Department. Any additional required investigation or remediation shall be performed in accordance with applicable laws under the oversight of the jurisdictional agencies.

Significant Effect

The project is located within the adopted Kern County Airport Land Use Compatibility Plan and would result in a safety hazard for people residing or working in the project area. (Impact 4.7-3).

Description of Significant Impact

The location of the project site is not considered to result in an inconsistency with the ALUCP that would result in safety or operational hazards to aircraft. However, as noted in Section 4.9 "Land Use and Planning," two military aviation installations—the Naval Air Weapons Station China Lake and Edwards Air Force Base— are in the general vicinity of the project site. In order to reduce impacts from electronic interference from other sources of radio signals, the project operator would be required to coordinate and notify the Department of Defense and Mojave Air and Space Port. As with the previously approved project, implementation of Mitigation Measure MM 4.9-2 would reduce potential impacts to less-than-significant levels.

Finding

The proposed project has the potential to result in a safety hazard. The implementation of Mitigation Measure MM 4.9-2 (as described in Section 4.9, *Land Use and Planning*) would reduce impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.9-2 (as described in Section 4.9, *Land Use and Planning*) would reduce impacts to a less-than-significant level.

C. Environmental Effects of the Project that Cannot Be Mitigated to a Less Than Significant Level.

The project would not have any environmental effects related to hazards and hazardous materials that cannot be mitigated to a less-than-significant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

Significant Effect

The proposed project would not have a cumulative environmental impact on hazards and hazardous materials.

Description of Significant Impact

As with the previously approved project, the development of the proposed project would not result in a cumulative contribution to a significant impact related to hazardous materials. There are no other past, present, or reasonably foreseeable projects that would contribute to a cumulative hazardous materials issue.

Project impacts related to the creation of a hazard through the routine transport, use, or disposal of hazardous materials would be less than significant.

An accident involving a hazardous material release during project construction or operation through upset or accident conditions involving the release of a hazardous material could occur during project construction and operation, including site grading and the use and transport of petroleum-based lubricants, solvents, fuels, herbicides, and pesticides to and from the project site (Site 5). In addition, asbestos-containing materials could be discovered on the project site (Site 5). However, conformance with existing State and County regulations, as well as project safety design features and the implementation of Mitigation Measures MM 4.7-1 through MM 4.7-3 and MM 4.9-2 would reduce these impacts to less than significant. Implementation of Mitigation Measure MM 4.7-4 would reduce the impact associated with the potential presence of pesticides and herbicides on Site 5. The implementation of appropriate safety measures during construction of the proposed project, as well as any other cumulative project, would reduce the impact to a level that would not contribute to cumulative effects. Therefore, impacts would not be cumulatively significant.

Finding

The proposed project has the potential to result in cumulatively considerable impacts related to hazardous material release through upset or accident conditions involving the release of a hazardous material during project construction and operation. However, implementation of Mitigation Measures MM 4.7-1 through MM 4.7-4 and Mitigation Measure MM 4.9-2 (described in Section 4.9, *Land Use and Planning*), would reduce impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation,

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implement Mitigation Measures MM 4.7-1 through MM 4.7-4, described above, and Mitigation Measure MM 4.9-2 (described in Section 4.9, *Land Use and Planning*), would reduce impacts to a less-than-significant level.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant and Unavoidable Impact on the Environment.

The proposed project would not have a significant and unavoidable cumulative environmental impact on hazards and hazardous materials.

HYDROLOGY AND WATER QUALITY

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

The project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (Impact 4.8-2).

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The project would not violate water quality standards or waste discharge requirements (Impact 4.8-1).

Description of Significant Impact

Hazardous materials associated with construction would be limited to substances associated with mechanized equipment, such as gasoline and diesel fuels, engine oil, and hydraulic fluids. If precautions are not taken to contain contaminants, accidental spills of these substances during construction could produce contaminated stormwater runoff (nonpoint source pollution), a major contributor to the degradation of water quality in surface waters. As with the previously approved project, the proposed project would prepare and implement a Hazardous Materials Business Plan (Mitigation Measure MM 4.7-1), if required to comply with state and federal laws. Should a Hazardous Materials Business Plan be required, the project operator shall provide the hazardous materials business plan to all contractors working on the project and shall ensure that one copy is available at the project site at all times. During construction of the proposed project, potential impacts to water quality associated with erosion and sedimentation would be localized and temporary. The project operator would implement measures to minimize and contain erosion and sedimentation in accordance with the Kern County Grading Code, and implement Mitigation Measures MM 4.7-1, MM 4.8-1, and MM 4.8-2 prior to commencement of any ground disturbance activities.

During operation, the site engineering and design plans for the proposed project would be required to comply with the requirements of the Kern County Code of Building Regulations, as well as with Kern County Development Standards and the Floodplain Management Ordinance. Prior to the commencement of construction activities, the project operator would be required to prepare and submit a drainage plan to the Kern County Public Works Department – Development Review, which would include post-construction structural and nonstructural BMPs. Therefore, long-term impacts on drainage patterns that could result in substantial erosion and siltation on-site or off-site would be less than significant after implementation of Mitigation Measures MM 4.8-1 and MM 4.8-2 and BMPs required by the Kern County Grading Code and Floodplain Management Ordinance.

Finding

The proposed project has the potential to violate water quality standards or waste discharge requirements. The implementation of Mitigation Measures MM 4.7-1 (described in Section 4.7, *Hazards and Hazardous Materials*), MM 4.8-1, and MM 4.8-2 would reduce these impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.7-1, described in Section 4.7, *Hazards and Hazardous Materials*, above, and Mitigation Measures MM 4.8-1 and MM 4.8-2.

Mitigation Measures

Implement Mitigation Measures MM 4.7-1, described in Section 4.7, *Hazards and Hazardous Materials*, above, and MM 4.8-1 and MM 4.8-2:

- **MM 4.8-1:** Prior to issuance of a grading permit, the project operator shall submit a Stormwater Pollution Prevention Plan and applicable permits shall be obtained from the Lahontan Regional Water Quality Control Board (RWQCB) for the project to the Kern County Planning and Natural Resources Department that specifies best management practices to prevent all construction pollutants from contacting stormwater, with the intent of keeping sedimentation or any other pollutants from moving off-site and into receiving waters. The requirements of the Stormwater Pollution Prevention Plan shall be incorporated into design specifications and construction contracts. Recommended best management practices for the construction phase may include the following:
 - a) Mow (rather than clear and grub the entire site) existing vegetation in all areas of the project site where practicable; (*RTC-3/4/19*)
 - b) Stockpiling and disposing of demolition debris, concrete, and soil properly;
 - c) Installation of a stabilized construction entrance/exit and stabilization of disturbed areas;
 - d) Implementing erosion controls;
 - e) Properly managing construction materials;
 - f) Proper protections for fueling and maintenance of equipment and vehicles; and
 - g) Managing waste, aggressively controlling litter, and implementing sediment controls.
- **MM 4.8-2:** Prior to issuance of a grading permit, the project operator shall prepare a drainage plan that is designed to minimize runoff and surface water pollution and will include engineering recommendations to minimize the potential for impeding or redirecting 100-year flood flows. The final design of the solar arrays shall include one-foot of freeboard clearance between the bottom of the solar panel and the calculated maximum flood depths Site grading shall be designed to prevent increasing the existing 100-year water surface elevations more than one foot or as required by Kern County's Floodplain Ordinance. Additionally, the drainage plan shall include a plan for the disposal of drainage waters originating onsite and from adjacent road- right-of-ways (if required). The drainage plan shall be prepared in accordance with the Kern County Grading Code, Kern County Hydrology Manual and policies related thereto and approved by the Kern County Engineering, Surveying and Permit Services Department. (*RTC-3/4/19*)

Significant Effect

The proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner than would result in substantial erosion or sedimentation onsite or offsite (Impact 4.8-3).

Description of Significant Impact

As with the previously approved project, the project site is relatively flat and would require minimal grading to accommodate the proposed project. Mitigation Measure MM 4.5-2 would reduce construction-related soil erosion impacts to less-than-significant levels.

During rainfall events, and particularly during construction activities when surface soils are exposed, there is the possibility of significant surface erosion and off-site sediment transportation. However, as outlined

in Mitigation Measure MM 4.8-2, prior to the commencement of construction activities, the project operator would be required to prepare and submit a SWPPP to the Kern County Public Works Department – Development Review. Therefore, with adherence to all existing regulations regarding erosion and site drainage, the proposed project would not result in substantial erosion onsite or offsite. As with the previously approved project, there is the possibility of significant surface erosion and off-site sediment transport in stormwater runoff during rainfall events. However, the proposed project's site engineering and design plans would be required to comply with the most recent requirements of the Kern County Code of Building Regulations, as well as with Kern County Development Standards. Furthermore, all site drainage plans would be required to comply with Division Four of the Kern County Development Standards, which establish guidelines including, but not limited to, site development standards and mitigation, flood control requirements, erosion control, and on-site drainage flow requirements. Therefore, with adherence to all existing regulations regarding erosion and site drainage, the proposed project would neither alter the course of a stream or river nor result in substantial erosion onsite or offsite. Implementation of Mitigation Measures MM 4.5-2, MM 4.7-1, MM 4.8-1, and MM 4.8-2, would reduce impacts to less-than-significant levels.

Finding

The proposed project has the potential to existing drainage patterns of the site or area and result in substantial erosion and/or sedimentation onsite or offsite. The implementation of Mitigation Measure MM 4.5-2, described in Section 4.5, *Geology and Soils*, Mitigation Measures MM 4.7-1, described in Section 4.7, *Hazards and Hazardous Materials*, MM 4.8-1, and MM 4.8-2, above, would reduce these impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.5-2, described in Section 4.5, *Geology and Soils*, Mitigation Measure MM 4.7-1, described in Section 4.7, *Hazards and Hazardous Materials*, MM 4.8-1, and MM 4.8-2, above, would reduce impacts to less-than-significant levels.

Significant Effect

The proposed project would not substantially alter the existing drainage patterns of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite (Impact 4.8-4).

Description of Significant Impact

As with the previously approved project, the project site is relatively flat and would require minimal grading to accommodate the proposed project. Construction of the proposed project would result in a small amount of new impervious surface, and impacts to drainage patterns, including amounts and rates of surface runoff, would be negligible. New impervious surface would be associated with the project's substation(s), energy storage systems, the operations and maintenance building, control building, and permanent on-site parking. The vast majority (approximately 95 percent) of the project site would remain pervious surfaces would absorb most precipitation (Appendix M of this SEIR). Therefore, large areas of pervious surfaces would absorb stormwater runoff and would ultimately not represent a significant increase of flows onsite or offsite. In

addition, site drainage and grading plans would be required to comply with Division Four of the Kern County Development Standards, which establish specific guidelines related to flood control and onsite drainage flow requirements. As with the previously approved project, with implementation of Mitigation Measures MM 4.5- 2, MM 4.7-1, MM 4.8-1 and MM 4.8-2, the alterations to the existing drainage patterns and impacts to runoff and flooding at the project site would be less than significant.

Finding

The proposed project has the potential to alter existing drainage patterns of the site or area and result in flooding onsite or offsite. The implementation of Implementation of Mitigation Measure MM 4.5-2, described in Section 4.5, *Geology and Soils*, Mitigation Measure MM 4.7-1, described in Section 4.7, *Hazards and Hazardous Materials*, MM 4.8-1, and MM 4.8-2, above, would reduce these impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.5-2, described in Section 4.5, *Geology and Soils s*, Mitigation Measure MM 4.7-1, described in Section 4.7, *Hazards and Hazardous Materials*, MM 4.8-1, and MM 4.8-2, above, would reduce impacts to less-than-significant levels.

Significant Effect

The project would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff (Impact 4.8-5).

Description of Significant Impact

The proposed project would be required to adhere to the NPDES General Construction Permit to control erosion and protect water quality of stormwater runoff during construction. During operation, most of the project site would remain as pervious surfaces, allowing infiltration of the runoff produced by the new impervious surfaces. In addition, the proposed project would be required to adhere to Division Four of the Kern County Development Standards, which establish guidelines that include on-site drainage flow requirements. Therefore, with implementation of Mitigation Measures MM 4.5-2, MM 4.7-1, MM 4.8-1 and MM 4.8-2, the proposed project would not create or contribute runoff that would exceed the capacity of drainage systems or provide substantial additional sources of polluted runoff. This potential impact would be less than significant.

Finding

The proposed project has the potential to create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. The implementation of Mitigation Measures MM 4.5-2, described in Section 4.5, *Geology and Soils*, Mitigation Measure MM 4.7-1, described in Section 4.7, *Hazards and Hazardous Materials*, MM 4.8-1, and MM 4.8-2, above, would reduce these impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.5-2, described in Section 4.5, *Geology and Soils*, Mitigation Measure MM 4.7-1, described in Section 4.7, *Hazards and Hazardous Materials*, and Mitigation Measures MM 4.8-1 and MM 4.8-2, above, would reduce impacts to less-than-significant levels.

Significant Effect

The proposed project would not otherwise substantially degrade water quality (Impact 4.8-6).

Description of Significant Impact

The proposed project would be required to adhere to the NPDES General Construction Permit to control erosion and protect water quality of stormwater runoff during construction. No other discharges would be necessary during construction that might otherwise affect water quality. During operation, as noted above, the proposed project would be required to adhere to Division Four of the Kern County Development Standards and Kern County Code of Building Regulations which require site drainage plans to include development standards that are designed to protect water quality. Apart from infrequent cleaning of panels with deionized water, which is unlikely to result in runoff, no other discharges would be necessary during operation of the proposed project. Therefore, with implementation of Mitigation Measures MM 4.5-2, MM 4.7-1, MM 4.8-1 and MM 4.8-2, the proposed project would not otherwise degrade water quality and the potential impact would be less than significant.

Finding

The proposed project has the potential to degrade water quality. The implementation of Mitigation Measures MM 4.5-2, described in Section 4.5, *Geology and Soils*, Mitigation Measure MM 4.7-1, described in Section 4.7, *Hazards and Hazardous Materials*, and Mitigation Measures MM 4.8-1 and MM 4.8-2 would reduce these impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.5-2, described in Section 4.5, *Geology and Soils*, Mitigation Measure MM 4.7-1, described in Section 4.7, *Hazards and Hazardous Materials*, and Mitigation Measures MM 4.8-1 and MM 4.8-2, above, would reduce these impacts to a less-than-significant level.

Significant Effect

The project would not be placed within a 100-year flood hazard area structures that would impede or redirect flood flows (Impact 4.8-7).

Description of Significant Impact

The proposed project Site 1 and Site 2 have small areas mapped as 100-year (Zone A) floodplains, as shown on Figure 4.8 1. Zone A is defined as areas subject to inundation by the 1-percent-annual-chance flood event. The proposed project would avoid the mapped 100-year floodplain on Site 1. While the feature crossing Site 2 is part of the 100-year floodplain, the absence of an observable feature suggests that the amount of water conveyed during a 100-year storm would be negligible or non-existent. As with the previously approved project, the proposed project would be required to implement Mitigation Measure MM 4.8-2, which requires the project operator to prepare a drainage plan that is designed to minimize runoff and surface water pollution and would include engineering recommendations to minimize the potential for impeding or redirecting 100-year flood flows. As described in Mitigation Measure MM 4.8-2, Kern County's Floodplain Ordinance requires that all facilities must be elevated at least 1 foot above the 100-year, 24-hour peak flood elevation. Therefore, with the implementation of Mitigation Measure MM 4.8-2, the construction and operation of the proposed project would have a less-than-significant impact related to impeding or redirecting flood flows.

Finding

The proposed project has the potential to degrade water quality. The implementation of Mitigation Measures MM 4.8-1 and MM 4.8-2 would reduce potential impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.8-1 and MM 4.8-2, above, would reduce these impacts to a less-than-significant level.

C. Environmental Effects of the Project that Cannot Be Mitigated to a Less Than Significant Level.

The project would not have any environmental effects on hydrology and water quality that cannot be mitigated to a less-than-significant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

Significant Effect

The proposed project would not have a cumulative environmental impact on hydrological resources.

Description of Significant Impact

As previously mentioned above, the project's estimated annual water demand of 50 afy presents de minimis use compared to existing available groundwater supplies (32,000 af). Furthermore, construction would not prevent or inhibit any incidental groundwater recharge that may occur onsite during precipitation events as the project site would generally remain entirely pervious (95 percent). Given its fractional contribution to the total water use in the Koehn subbasin, the proposed project would not represent a cumulatively considerable contribution to the water resource impacts on the subbasin. The incremental increase of water use by the proposed project along with the other projects would not result in a significant cumulative impact to the Koehn subbasin.

Although the project would add impervious surfaces to the project site as compared to existing conditions, the proposed project would not adversely impact surface drainage, cause onsite or offsite flooding, or alter the course of any creek or stream in the project vicinity. Furthermore, with implementation of the SWPPP and all recommended BMPs, the proposed project would not result in significant onsite or offsite erosion or sedimentation during either construction or operational activities. Any potentially adverse impacts on hydrology and water quality during construction would be mitigated through adherence to all applicable federal, state, and local regulations and implementation of the recommendations in the site-specific drainage study conducted for the proposed project.

All other related projects in the County would be subject to the same federal, state, and local regulations regarding drainage plans and flooding potential. Other projects would also be required to draft and implement a SWPPP with BMPs that address erosion and sedimentation control during construction and operational activities, as well as any other mitigation measures appropriate to minimize impacts due to flooding. Therefore, impacts of the proposed project would not combine with impacts of other projects to result in cumulative impacts to hydrology and water quality in the project area. Therefore, the cumulative impact would be less than significant.

Finding

The project has the potential for cumulative impacts to hydrology and water quality. Implementation of Mitigation Measures MM 4.5-2, described in Section 4.5, *Geology and Soils*, Mitigation Measure MM 4.7-1, described in Section 4.7, *Hazards and Hazardous Materials*, and Mitigation Measures MM 4.8-1 and MM 4.8-2 would reduce impacts to less-than-significant levels.

Level of Significance

Cumulative impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.5-2, described in Section 4.5, *Geology and Soils*, Mitigation Measure MM 4.7-1, described in Section 4.7, *Hazards and Hazardous Materials*, and Mitigation Measures MM 4.8-1 and MM 4.8-2, described above, would reduce impacts to less-than-significant levels.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant and Unavoidable Impact on the Environment.

The proposed project would not have a significant and unavoidable cumulative environmental impact on hydrology and water quality.

LAND USE AND PLANNING

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

The project would not conflict with applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect (Impact 4.9-1).

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

The proposed project would not have any environmental effects related to land use that are potentially significant and no mitigation is required.

C. Environmental Effects of the Project that Cannot Be Mitigated to a Less Than Significant Level.

The project would not have any environmental effects on land use and planning that cannot be mitigated to a less-than-significant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

Significant Effect

The proposed project would not have a cumulative environmental impact on land use and planning.

Description of Significant Impact

As described in the Beacon EIR, the potential for the cumulative effects caused by the abandonment of multiple solar facilities in Kern County could result in impacts on surrounding land uses should it be determined that these facilities are no longer viable commercial operations. Therefore, as with the previously approved project, a mitigation measure related to the decommissioning of solar facilities has been included to establish safeguards to ensure the maintenance of the health, safety, and welfare of the citizens of the county. While it is the intent of Kern County to promote the use of an alternative to fossil-fuel-generated electrical power in areas of the county that are identified to have suitable characteristics for production of commercial quantities of solar PV-generated electrical power, it is necessary to protect surrounding landowners from potential impacts associated with the abandonment of such facilities. With the implementation of Mitigation Measure MM 4.9-1, cumulative land use impacts would be considered less than significant.

As described in the Beacon EIR, there is the potential that the future use of newer technology or equipment may contribute to an unanticipated environmental impact to military frequency from telemetry equipment.

The military has identified potential conflicts of users of the radio frequency spectrum located both on and off military installations as an area to be reviewed for compatibility issues. Operations of unmanned radio-controlled aircraft flights can have electronic interference from other sources of radio signals. Coordination of frequency and notification can mitigate this impact. The project impacts are considered significant, but would be reduced to a less-than-significant level with implementation of Mitigation Measure MM 4.9-2.

Finding

The project has the potential to result in cumulatively considerable impacts related to land use consistency, specifically in regards to abandonment. Implementation of Mitigation Measures MM 4.9-1 and MM 4.9-2 would reduce impacts to a less-than-significant level.

Level of Significance

Cumulative impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.9-1 and MM 4.9-2 would reduce impacts to a less-than-significant level.

Mitigation Measures

MM 4.9-1: Prior to issuance of any building permit, the project operator shall provide a Decommission Plan for review and approval by the Kern County Planning and Natural Resources Department Engineering, Surveying, and Permit Services Department or a Countycontracted consulting firm at a cost to be borne by the project operator. (SR-3/14/19)The Decommission Plan shall factor in the cost to remove the solar panels and support structures, replacement of any disturbed soil from removal of support structures, and control of fugitive dust on the remaining undeveloped land. Salvage value for the solar panels and support structures shall be included in the financial assurance calculations. The assumption, when preparing the estimate, is that the project operator is incapable of performing the work or has abandoned the solar facility, thereby requiring Kern County to hire an independent contractor to perform the decommissioning work. In addition to submitting a Decommission Plan, the project operator shall post or establish and maintain financial assurances with Kern County related to the deconstruction of the site as identified on the approved Decommission Plan in the event that at any point in time the project operator determines it is not in the company's best interest to operate the facility.

The financial assurance required prior to issuance of any building permit shall be established using one of the following:

- a) An irrevocable letter of credit;
- b) A surety bond;
- c) A trust fund in accordance with the approved financial assurances to guarantee the deconstruction work will be completed in accordance with the approved decommission plan; or

d) Other financial assurances as reviewed and approved by the respective County administrative offices, in consultation with the Kern County Planning and Natural Resources Department.

The financial institution or Surety Company shall give the County at least 120 days notice of intent to terminate the letter of credit or bond. Financial assurances shall be reviewed annually by the Kern County Engineering, Surveying, and Permit Services Department or County-contracted consulting firm(s) at a cost to be borne by the project operator to substantiate those adequate funds exist to ensure deconstruction of all solar panels and support structures identified on the approved Decommission Plan. Should the project operator deconstruct the site on their own, the County will not pursue forfeiture of the financial assurance. Once deconstruction has occurred, financial assurance for that portion of the site will no longer be required and any financial assurance posted shall be adjusted or returned accordingly. Any funds not utilized through decommission of the site by the County shall be returned to the project operator.

Should any portion of the solar field not be in operational condition for a consecutive period of twelve 12 months that portion of the site shall be deemed abandoned and shall be removed within sixty (60) days from the date a written notice is sent to the property owner and solar field owner, as well as the project operator, by the County. Within this sixty (60) day period, the property owner, solar field owner, or project operator may provide the director of the Kern County Planning and Natural Resources Department a written request and justification for an extension for an additional twelve (12) months. The Kern County Planning and Natural Resources Director shall consider any such request at a Director's Hearing as provided for in Section 19.102.070 of the Kern County Zoning Ordinance. In no case shall a solar field that has been deemed abandoned be permitted to remain in place for more than forty□eight (48) months from the date, the solar facility was first deemed abandoned.

MM 4.9-2: Prior to the operation of the solar facility, the operator shall consult with the Department of Defense <u>and the operations staff at the Mojave Air and Space Port</u> to identify the appropriate Frequency Management Office officials to coordinate the use of telemetry <u>and to coordinate regarding generation-tie location and heights</u> to avoid potential frequency conflicts with military operations <u>and other public aircraft</u>. (*RTC-3/4/19*)

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant and Unavoidable Impact on the Environment.

The proposed project would not have a significant and unavoidable cumulative environmental impact on land use and planning.

NOISE

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

The proposed project would not create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (Impact 4.11-3).

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The proposed project would not expose persons to, or generate, noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies (Impact 4.11-1).

Description of Significant Impact

Construction activities associated with the proposed project would occur over the entire area of the project site, and would be intermittent and sporadic. Site 3 of the proposed project has a residence that is located approximately 325 feet to the northwest at the intersection of Phillips Road and Yucaipa Street. Heavy equipment use at the project site during construction would generate a combined noise level of up to 73 dBA Leq. Therefore, the construction noise level would exceed the County's standard of 65 dBA Ldn for exterior noise at the nearest noise-sensitive receptors. Mitigation Measures MM 4.11-1 and MM 4.11-2, would require the project contractor to locate equipment away from sensitive receptors, and maintain noise controls on standard construction noise impacts would be considered less than significant.

The closest sensitive receptors to Site 5 are residences located approximately 70 feet, adjacent to the site on both the east and south along Yuma Avenue and Yucaipa Street. Beyond the first row of residences are additional rows of residences, approximately 300 and 550 feet from the project site. These residences would experience a temporary increase in noise during construction of the project. Simultaneous heavy equipment use at the project site during construction would generate a combined noise level of up to 86 dBA Leq. The loudest phase of construction would the installation of solar panels, when pneumatic post driving activities would occur. The combined noise level would reach 73 dBA Leq at a distance of 300 feet and 68 dBA Leq at 550 feet. Therefore, the construction noise level would exceed the County's standard of 65 dBA Ldn for exterior noise at the nearest noise-sensitive receptors. As with the previously approved project, with the implementation of Mitigation Measures MM 4.11-1 and MM 4.11-2, temporary construction noise impacts would be considered less than significant.

The closest noise-sensitive receptors to the gen-tie route alternatives are several residences located approximately 50 feet to the north along Phillips Road between Cheyenne Boulevard and Yucaipa Street. Beyond the first row of residences are additional rows of residences located approximately 270 and 500 feet from the project site. These residences would experience a temporary increase in noise during construction of the project. Construction of the gen-tie would involve the use of auger rigs and grouting or direct driving, among other equipment. Simultaneous heavy equipment use at the gen-tie route alternative along Phillips Road would generate a combined noise level of up to 84 dBA Leq at the nearest residences located 50 feet away, 70 dBA Leq at residences located 270 feet away, and 64 dBA Leq at residences located 500 feet away. Therefore, the construction noise level would exceed the County's standard of 65 dBA Ldn for exterior noise at the nearest noise-sensitive receptors. As with the previously approved project, with the implementation of Mitigation Measures MM 4.11-1 and MM 4.11-2, temporary construction noise impacts would be considered less than significant.

Finding

The project has the potential to expose persons to or generate noise levels in excess of standards established in any applicable plan or noise ordinance, or applicable standards of other agencies. However, Mitigation Measures MM 4.11-1 and MM 4.11-2 would reduce impacts to a less-than-significant level.

Level of Significance

Impacts during construction would be less than significant with mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.11-1 and MM 4.11-2 would reduce impacts to less-than-significant levels.

Mitigation Measures

- **MM 4.11-1:** To reduce temporary construction related noise impacts, the following shall be implemented by the project operator during onsite construction activities that would occur within 1,000 feet of an occupied, offsite noise-sensitive receptor:
 - a) To the extent practicable, the construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
 - b) To the extent practicable, the construction contractor shall locate the pile driver such that the rear of the machine faces toward the noise sensitive receptors when the vibratory pile driver is being utilized.
 - c) A "noise disturbance coordinator" shall be established. The disturbance coordinator shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall be required to implement reasonable measures such that the complaint is resolved.
 - d) The construction contractor shall ensure proper maintenance and working order of equipment and vehicles, and that all construction equipment is equipped with manufacturers approved mufflers and baffles.
 - e) The construction contractor shall install and/or maintain sound-control devices in all construction and impact equipment, no less effective than those provided on the original equipment.
 - f) Construction contracts shall specify that notices shall be sent out to all residences immediately adjacent to the construction areas at least 15 days prior to commencements of construction. The notices shall include the constructions schedule and a telephone number where complaints can be registered with the noise disturbance coordinator. A sign legible at a distance of 50 feet shall also be posted at the construction site throughout construction, which includes the same details as the notices.

- g) Construction vehicles and equipment shall not be left idling for longer than 5 minutes when not in use.
- **MM 4.11-2:** Project construction hours shall comply with the Kern County Noise Ordinance (Municipal Ordinance Code 8.36.020).

Significant Effect

The proposed project would not expose persons to or generate excessive groundborne vibration or groundborne noise levels (Impact 4.11-2).

Description of Significant Impact

Vibration associated with construction of the proposed project has the potential to be an annoyance to nearby land uses. Using the referenced formula and an assumed 2,400 ft-lb rated energy for the post driver, the calculated PPV at the nearest structure (250 feet) would be 0.054 PPV, which according to the Caltrans guidance would be perceptible. However, this level is far lower than the 0.3 PPV damage threshold for older residential structures (Caltrans 2013). In addition, heavy construction activity involving pneumatic tools and graders also would not occur during nighttime hours. Therefore, vibration impacts associated with construction of the proposed project would be less than significant. In addition, implementation of Mitigation Measure MM 4.11-1 and MM 4.11-2 would further reduce this impacts to a less-than-significant level.

Finding

The project has the potential to expose persons to, or generate excessive ground \Box borne vibration or ground \Box borne noise levels. However, Mitigation Measures MM 4.11-1 and MM 4.11-2 would reduce impacts to a less-than-significant level.

Level of Significance

Impacts would continue to be less than significant with mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.11-1 and MM 4.11-2 described above, would reduce impacts to less-than-significant levels.

Significant Effect

The proposed project would not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (Impact 4.11-4).

Description of Significant Impact

As with previously approved project, the proposed project would result in a temporary increase in noise levels during construction at the project site. Impact 4.11-1 discusses the temporary noise impacts that would be anticipated to occur as a result of the proposed project. As discussed under Impact 4.11-1, the proposed project would adhere to all applicable Kern County noise regulations and ordinances, and with the implementation of Mitigation Measures MM 4.11-1 through MM 4.11-2, temporary noise impacts would be considered less than significant.

Finding

The project has the potential to result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity, above levels existing without the project. However, Mitigation Measures MM 4.11-1 and MM 4.11-2, described above, would reduce impacts to a less-than-significant level.

Level of Significance

Impacts during construction would be less than significant with mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.11-1 and MM 4.11-2 described above, would reduce impacts to less-than-significant levels.

C. Environmental Effects of the Project that Cannot Be Mitigated to a Less Than Significant Level.

The project would not have any environmental effects on noise that cannot be mitigated to a less-thansignificant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

Significant Effect

The proposed project would not have a cumulative environmental impact on noise.

Description of Significant Impact

As described in the Beacon EIR, multiple projects, including several utility-scale solar and wind energy production facilities, are proposed throughout Kern County. Due to the localized nature of noise impacts, the proposed project would not contribute to significant cumulative noise impacts. Construction activities associated with other projects in proximity to the project site could occur at the same time as the proposed project. However, these related projects would also be subject to Kern County noise standards and established thresholds pertaining to increased noise at the locations of sensitive receptors, as well as similar mitigation measures. With the implementation of Mitigation Measures MM 4.11 \Box 1 through MM 4.11-2, no significant cumulative noise impact is anticipated to occur. Therefore, noise impacts of past, present, and reasonably foreseeable projects would have a less than significant cumulative impact.

Finding

The project has the potential to result in cumulatively considerable impacts related to noise. Implementation of Mitigation Measures MM 4.11-1 and MM 4.11-2 would reduce impacts to a less-than-significant level.

Level of Significance

Cumulative impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.11-1 and MM 4.11-2, described above, would reduce impacts to less-than-significant levels.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant and Unavoidable Impact on the Environment.

The proposed project would not have a significant and unavoidable cumulative environmental impact on noise.

PUBLIC SERVICES

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

None of the proposed project's environmental effects on public services have been found to result in no impacts or only less-than-significant impacts.

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The project would result in adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services, police protection and law enforcement services, and other public facilities (Impact 4.12-1).

Description of Significant Impact

As with the previously approved project, construction activities associated with the proposed project could increase the potential for wildfire ignitions and the spread of wildfires. It is anticipated that personnel and equipment from KCFD's Battalion 1 and Station 14 would be sufficient to respond to a fire at the project site. In addition, the proposed project has the potential to attract vandals or other security risks that could increase demand on law enforcement services at the project site. Implementation of Mitigation Measures MM 4.12-1 and MM 4.12-2 would reduce impacts to a less-than-significant level for fire protection and police protection services during construction and operation and through decommissioning of the proposed project.

As with the previously approved project, the proposed project has the potential to attract vandals or other security risks that could increase demand on law enforcement services at the project site. The project site would be enclosed within a chain link fence with barbed wire measuring up to 8 feet in height (from finished grade). The proposed project would include an intrusion alarm system comprised of sensor cables integrated into the perimeter fence, intrusion detection cabinets placed approximately every 1,500 feet along the perimeter fence, and an intrusions control unit or similar technology. Additionally, the proposed project may include additional security measures including, but not limited to, barbed wire, low voltage fencing with warning reflective signage, controlled access points, security alarms, security camera systems, and security guard vehicle patrols to deter trespassing and/or unauthorized activities that could interfere with

operation of the proposed project. Site lighting may include motion sensor lights for security purposes. Implementation of Mitigation Measure MM 4.12-1 would reduce impacts on police protection services to less-than-significant levels.

As with the previously approved project, the proposed project would employ temporary construction personnel and a minimal number of operational staff (up to five). Temporary construction personnel and a small long-term operational staff are not expected to significantly impact the capacity of the existing public facilities (hospitals, medical facilities, post offices, and libraries) in the area. With implementation of Mitigation Measure MM 4.12-1, this impact would be less than significant.

Finding

The proposed project has the potential to result in substantial adverse physical impacts to public services. However, implementation of Mitigation Measures MM 4.12-1 and MM 4.12-2 would reduce impacts to less-than-significant levels.

Level of Significance

Impacts during construction would be less than significant with mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.12-1 and MM 4.12-2 would reduce impacts to a less-than-significant level.

Mitigation Measures

- **MM 4.12-1:** In order to reduce impacts to public services including police and fire protection, the following shall be implemented:
 - a) The project operator shall pay for impacts to countywide public protection, sheriff patrol and investigation, and fire services at a rate of \$29.59 per 1,000 square feet of panel-covered ground for the facility operation for the entire covered area of the project. The total amount shall be divided by the number of years of operation and paid on a yearly basis. The total amount will be divided by the number of years of operation and paid on a yearly basis. The annual amount will be based on the square footage of ground covered by April 30 of each year, if completed in phases. The amount will be paid for each and all years of operation. The fee will be paid to the Kern County Auditor/Controller by April 30 of each calendar year.
 - b) Written verification of ownership of the project shall be submitted to the Kern County Planning and Natural Resources Department by April 15 of each calendar year. If the project is sold to a city, county, or utility company that pays assessed taxes that equal less than \$1,000 per megawatt per year, than they will pay those taxes plus an amount necessary to equal the equivalent of \$1,000 per megawatt. The amount shall be paid for all years of operation. The fee shall be paid to the Kern County Auditor/Controller by April 30 of each calendar year.
 - c) The project operator shall work with County staff to determine how to maximize the County's receipt of sales and use taxes related to the taxable portion of the construction

of the project. This process shall include, but is not necessarily limited to, the project operator: obtaining a street address within the unincorporated portion of Kern County for acquisition, purchasing and billing purposes, registering this address with the California Department of Tax and Fee Administration (CDFTA), using this address for acquisition, purchasing and billing purposes associated with the taxable portion of the proposed project, and causing the project operator's general contractor and significant subcontractors to obtain a permit or sub-permit (as applicable) from the CDTFA using such street address, to the extent permitted under applicable law. The project operator shall allow the County to use this sales tax information publicly for reporting purposes.

- **MM 4.12-2:** The project operator shall develop and implement a fire safety plan for use during construction and operation. The project operator will submit the plan, along with maps of the project site and access roads, to the Kern County Fire Department for review and approval prior to the issuance of any building permit or grading permits. The fire safety plan will contain notification procedures and emergency fire precautions including, but not limited to, the following:
 - a) All internal combustion engines, stationary and mobile, will be equipped with spark arresters. Spark arresters will be in good working order.
 - b) Light trucks and cars with factory-installed (type) mufflers will be used only on roads where the roadway is cleared of vegetation. These vehicle types will maintain their factory-installed (type) muffler in good condition.
 - c) Fire rules will be posted on the project bulletin board at the contractor's field office and areas visible to employees.
 - d) Equipment parking areas and small stationary engine sites will be cleared of all extraneous flammable materials.
 - e) Personnel shall be trained in the practices of the fire safety plan relevant to their duties. Construction and maintenance personnel shall be trained and equipped to extinguish small fires to prevent them from growing into more serious threats.
 - f) The project operator shall make an effort to restrict the use of chainsaws, chippers, vegetation masticators, grinders, drill rigs, tractors, torches, and explosives to periods outside of the official fire season. When the above tools are used, water tanks equipped with hoses, fire rakes, and axes shall be easily accessible to personnel.

C. Environmental Effects of the Project that Cannot Be Mitigated to a Less Than Significant Level.

The proposed project would not have any environmental effects on public services that cannot be mitigated to a less-than-significant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

Significant Effect

The proposed project would not have a cumulative environmental impact on public services.

Description of Significant Impact

Cumulative impacts of the proposed project on public services are the same as those described in the Beacon EIR. As with the Beacon EIR, the proposed project would not induce population growth in the area and would not result in the need to construct new, or physically alter or expand, existing sheriff's office and fire protection facilities. The project operator would be required to pay fees over the life of the proposed facility in order to mitigate any potential impacts to fire or police protection services resulting from the proposed project, as part of Mitigation Measure MM 4.12-1. Similarly, all of the cumulative projects identified in Table 3-4 of the Beacon EIR, would also be required to pay this mitigation fee. Therefore, the proposed project would not create a cumulatively considerable impact related to police or fire protection services. The project's contribution to cumulative impacts would be less than significant.

Finding

The project would not result in cumulatively considerable impacts to public services. Implementation of Mitigation Measures MM 4.12-1 and MM 4.12-2 would further reduce impacts to a less-than-significant level.

Level of Significance

Impacts during construction would be less than significant with mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.12-1 and MM 4.12-2, described above, would reduce impacts to a less-than-significant level.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant and Unavoidable Impact on the Environment.

The proposed project would not have a significant and unavoidable cumulative environmental impact on public services.

TRANSPORTATION AND TRAFFIC

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

The proposed project would conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit (Impact 4.13-1).

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The proposed project would not conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards developed by the County congestion management agency for designated roads or highways (Impact 4.13-2).

Description of Significant Impact

As with the previously approved project, the proposed project's construction and operation traffic would not exceed Kern County LOS thresholds, and the project would be in compliance with established Kern County General Plan LOS Standards. Furthermore, with implementation of Mitigation Measure MM 4.13-1 from the Beacon EIR, the traffic created by the proposed project during the construction phase would not be expected to result in a substantial increase in congestion and impacts would be less than significant.

Finding

The project has the potential to conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. Implementation of Mitigation Measure MM 4.13-1 would further reduce impacts to less-than-significant levels.

Level of Significance

Impacts would be less than significant with mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.13-1 would further reduce impacts to less-than-significant levels.

Mitigation Measure

MM 4.13-1: Prior to the issuance of construction or building permits, the project operator shall:

- a) Prepare and submit a Construction Traffic Control Plan to Kern County Roads Department and the California Department of Transportation District 9 office for approval. The Construction Traffic Control Plan must be prepared in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook and must include, but not be limited to, the following issues:
 - i. Timing of deliveries of heavy equipment and building materials;
 - ii. Directing construction traffic with a flag person;
 - iii. Placing temporary signing, lighting, and traffic control devices if required, including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic;
 - iv. Ensuring access for emergency vehicles to the project site;
 - v. Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections;
 - vi. Maintaining access to adjacent property;
 - vii. Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the a.m. and p.m. peak hour, distributing

construction traffic flow across alternative routes to access the project site, and avoiding residential neighborhoods to the maximum extent feasible;

- b) Obtain all necessary permits for the work within the road right of way or use of oversized/overweight vehicles that will utilize county maintained roads, which may require California Highway Patrol or a pilot car escort. Copies of the approved traffic plan and issued permits shall be submitted to the Kern County Planning and Natural Resources Department.
- c) Enter into a secured agreement with Kern County to ensure that any county roads that are demonstrably damaged by project-related activities are promptly repaired and, if necessary, paved, slurry-sealed, or reconstructed as per requirements of the State and/or Kern County.

Copies of the approved traffic plan and issued permits shall be submitted to the Kern County Planning and Natural Resources Department and the Kern County Roads Department.

- d) Submit documentation that identifies the roads to be used during construction. The project operator shall be responsible for repairing any damage to non-county maintained roads that may result from construction activities. The project operator shall submit a preconstruction video log and inspection report regarding roadway conditions for roads used during construction to the Kern County Roads Department and the Planning and Natural Resources Department.
- e) Subsequent to completion of construction, submit a post-construction video log and inspection report to the County. This information shall be submitted in DVD format. The county, in consultation with the project operator's engineer, shall determine the extent of remediation required, if any.
- f) <u>Coordinate construction traffic to avoid possible conflicts during the project</u> <u>construction phases.</u> (*RTC-3/4/19*)

Significant Effect

The project would not substantially increase hazards due to a design feature (such as sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (Impact 4.13-3).

Description of Significant Impact

As with the previously approved project, the project would require the delivery of heavy construction equipment and PV solar components using area roadways, some of which may require transport by oversize vehicles. The use of oversize vehicles during construction can create a hazard to the public by limiting motorist views on roadways and by the obstruction of space. To ensure that construction-related oversize vehicle loads are in compliance with applicable California Vehicle Code sections and California Street and Highway Codes applicable to licensing, size, weight, load, and roadway encroachment of construction vehicles, Mitigation Measure MM 4.13-1 would require that all oversize vehicles used on public roadways during construction delivery times and vehicle travel routes in advance to minimize construction traffic during peak a.m. and p.m. hours. Implementation of Mitigation Measure MM 4.13-1 would reduce road

hazards impacts to less-than-significant levels. Unlike the previously approved project, Mitigation Measure MM 4.13-2 would not be required for the proposed project. Mitigation Measure MM 4.13-2 applied specifically to the construction related to the original Beacon Project.

As with the previously approved project, the project would require crossing the Union Pacific Lone Pine Branch of the railroad during construction. Mitigation Measure MM 4.13-3 requires the project operator to obtain the necessary approvals for construction of a crossing arm or other required improvements to the railroad crossing. With the implementation of Mitigation Measure MM 4.13-3, impacts to hazards due to a design feature of the project are considered less than significant.

Finding

The project has the potential to substantially increase hazards due to a design feature (such as sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Implementation of Mitigation Measures MM 4.13-1 and MM 4.13-3 would reduce impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.13-1 and MM 4.13-3 would reduce impacts to a less-than-significant level.

Mitigation Measure

Implementation of Mitigation Measures MM 4.13-1, described above, and MM 4.13-3:

MM 4.13-3: Prior to the issuance of grading or building permits, the project operator shall obtain the necessary permits and approvals from the Union Pacific Railroad for the construction of a crossing arm, or other crossing improvements to the Lone Pine Branch rail line. Copies of all permits and approvals shall be submitted to the Kern County Planning and Natural Resources Department.

Significant Effect

The project would not result in inadequate emergency access (Impact 4.14-4).

Description of Significant Impact

During the construction phase of the project, heavy construction-related traffic could interfere with emergency response to the project site or emergency evacuation procedures in the event of an emergency such as a wildfire, or a chemical spill at the site.

To ensure emergency access during construction, Mitigation Measure MM 4.13-1 requires the preparation of a construction traffic control plan and includes assurance of access for emergency vehicles to the project site. During project operation, Mitigation Measure MM 4.13-1 requires the project proponents to obtain Kern County approval of all proposed access road design prior to construction ensuring onsite emergency access is adequate. With the implementation of Mitigation Measure MM 4.13-1, impacts related to inadequate emergency access would be reduced to less than significant levels.

Finding

The project has the potential to result in inadequate emergency access. Implementation of Mitigation Measure MM 4.13-1 would reduce impacts to less-than-significant levels.

Level of Significance

Impacts would be less than significant with mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.13-1, described above, would reduce impacts to a less-than-significant level.

C. Environmental Effects of the Project that Cannot Be Mitigated to a Less Than Significant Level.

The proposed project would not have any environmental effects on transportation and traffic that cannot be mitigated to a less-than-significant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

Significant Effect

The proposed project would not have a cumulative environmental impact on transportation and traffic.

Description of Significant Impact

Future development within the County, such as other large solar energy projects, would generate a large number of trips to and from the respective project site, using local roadways. Construction of these projects would result in an increase in temporary delays and construction vehicle trips on the local roadway network. However, implementation of Mitigation Measure MM 4.13-1 would reduce the temporary construction traffic impacts of the proposed project individually, and minimize its contribution to cumulative traffic impacts.

Many of the other solar projects are located approximately 15 to 30 miles south of the proposed project, near the communities of Mojave and Rosamond. While the construction schedules for several of these projects may overlap with that of the proposed project, they are several miles away and their construction vehicles are not likely to travel extensively on the segments of SR 14 that are in the vicinity of the project site. While they may use SR 14 and SR 58, much of the traffic created by the cumulative projects is likely to disperse in different directions, using various highways and roadways. Additionally, the peak construction traffic created by the cumulative projects would be temporary, and their onsite operations staff would be minimal and not create considerable permanent increases to nearby traffic volumes.

On the project-level, with implementation of mitigation measures MM 4.13-1 and MM 4.13-3, the proposed project is anticipated to create traffic impacts that are considered less than significant. Additionally, the proposed project's contribution to potential cumulative impacts would be temporary and would fall to nominal levels upon completion of construction. Therefore, impacts of the proposed project combine with impacts from past, present, or reasonably foreseeable projects in the vicinity are expected to result in less than significant cumulative impact related to traffic.

Finding

The project has the potential to contribute to cumulative impacts on transportation and traffic. Implementation of Mitigation Measures MM 4.13-1 and MM 4.13-3 would reduce the cumulative impact to less than significant.

Level of Significance

Cumulative impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.13-1 and MM 4.13-3, described above, would reduce impacts to a less-than-significant level.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant and Unavoidable Impact on the Environment.

The proposed project would not have a significant and unavoidable cumulative environmental impact on transportation.

UTILITIES AND SERVICE SYSTEMS

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

The proposed project would not exceed wastewater treatment requirements of the applicable regional water quality control board (Impact 4.14-1).

The proposed project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects (Impact 4.14-2).

The proposed project would have sufficient water supplies available to service the project from existing entitlements and resources or would not need new or expanded water supply entitlements (Impact 4.14-4).

The project would comply with federal, state, and local statutes and regulations related to solid waste (Impact 4.14-6).

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The proposed project would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects (Impact 4.14-3).

Description of Significant Impact

Although the project would create a small amount of additional impervious surface and would require water for dust suppression during construction activities and panel washing during operations, these changes

would not substantially increase the amount of stormwater runoff. As with the previously approved project, the project area does not rely on constructed stormwater drainage systems. The pattern and concentration of runoff could be altered by project activities, such as grading of the site and roads. However, grading and installation of impervious surfaces for roads, support structures and the operation and maintenance building are anticipated to be minimal. Furthermore, the proposed project would be required to implement BMPs, comply with requirements of the Kern County Code of Building Regulations, as well as with Kern County Development Standards and compliance with the NPDES General Permit. Implementation of Mitigation Measures MM 4.8-1 and MM 4.8-2 would reduce impacts on water quality to less than significant.

Finding

The project has the potential to have a significant impact on stormwater drainage facilities. Implementation of Mitigation Measure MM 4.8-1 and MM 4.8-2, described in Section 4.8, *Hydrology and Water Quality*, would reduce the impact to less than significant.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.8-1 and MM 4.8-2, described in Section 4.8, *Hydrology and Water Quality*, would further reduce impacts to less than significant.

Significant Effect

The project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs (Impact 4.14-5).

Description of Significant Impact

As with the previously approved project, the proposed project is not expected to generate a substantial amount of waste that would exceed the capacity of local landfills. The Mojave-Rosamond Landfill has a remaining capacity of 76,310,297 cubic yards (CalRecycle, n.d. a). The next closest landfill is the Ridgecrest Landfill, which has sufficient capacity (5,037,428 cubic yards) to accept construction waste from the proposed project. If the Mojave-Rosamond Landfill reaches capacity, construction materials would be taken to the Ridgecrest Landfill for disposal. Furthermore, Mitigation Measure MM 4.14-2 would require an on-site recycling coordinator to facilitate the recycling, to the extent feasible, of all waste generated during construction, operation, and decommissioning of the proposed project. Therefore, construction impacts of the project to existing landfills are anticipated to be less than significant.

During operation, the proposed project would produce relatively small amounts of waste associated with maintenance activities. As part of the proposed project, recyclable materials including wood, shipping materials, and metals would be separated. The existing landfills have adequate capacity, and the recycling of decommissioned materials (Mitigation Measure MM 4.14-2) would further reduce the waste stream. Therefore, the proposed project would not generate a significant amount of solid waste during operation and would not exceed the permitted capacity of local landfills. Impacts would be less than significant.

Finding

The project has the potential to solid waste impacts. However, implementation of Mitigation Measure MM 4.14-2 would reduce the impact to less than significant.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.14-2 would reduce impacts to less than significant.

Mitigation Measure

MM 4.14-2: During construction, operation, and decommissioning, debris and waste generated shall be recycled to the extent feasible. An on-site recycling coordinator shall be designated by the project operator to facilitate recycling of all construction waste through coordination with contractors, local waste haulers, and/or other facilities that recycle construction/demolition wastes. The on-site recycling coordinator shall also be responsible for ensuring that wastes requiring special disposal are handled according to state and County regulations that are in effect at the time of disposal. The name and phone number of the coordinator shall be provided to the Kern County Waste Management Department prior to issuance of building permits.

C. Environmental Effects of the Project that Cannot Be Mitigated to a Less Than Significant Level.

The project would not have any environmental effects on utilities that cannot be mitigated to a less-thansignificant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

Significant Effect

The proposed project would not have a cumulative environmental impact on utilities and service systems.

Description of Significant Impact

The proposed project would not generate substantial volumes of wastewater as there would only be up to five employees during operation. Furthermore, the proposed project would install a septic system with leach lines as approved by the Kern County Environmental Health Services Division. The other planned projects may or may not propose an operation and maintenance building that would require the installation of a septic system with leach line. Implementation of Mitigation Measures MM 4.8-1 and MM 4.8-2 would reduce impacts on water quality to less than significant. Therefore, the proposed project would not have the potential to combine with impacts from past, present, or reasonably foreseeable projects to result in a cumulative impact to water quality or wastewater.

As with the previously approved project, the proposed project would generate a minimal amount of waste and is not expected to significantly impact Kern County landfills. To ensure to the proposed project reduces the amount of waste sent to landfills, implementation of Mitigation Measure MM 4.14-2 requires that debris and waste generated shall be recycled to the extent feasible. Therefore, impacts would be less than

significant. Other planned projects are expected to comply with state and local waste reduction policies as well. Therefore, the proposed project would not be expected to combine with impacts from past, present, or reasonably foreseeable projects to result in a cumulative impact to landfills.

Finding

The project has the potential to contribute to cumulative impacts on utilities and service systems. Implementation of Mitigation Measures MM 4.8-1, MM 4.8-2, described in Section 4.8, *Hazards and Hazardous Materials*, and MM 4.14-2 would reduce the impact to less-than-significant.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.8-1, MM 4.8-2, described in Section 4.8, *Hazards and Hazardous Materials*, and MM 4.14-2, described above, would reduce impacts to less than significant.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant and Unavoidable Impact on the Environment.

The proposed project would not have a significant and unavoidable cumulative environmental impact on utilities and service systems.

SECTION III. FINDINGS REGARDING CONSIDERATIONS, WHICH MAKE CERTAIN ALTERNATIVES, ANALYZED IN THE FINAL ENVIRONMENTAL IMPACT REPORT INFEASIBLE.

The following findings and brief explanation of the rationale for the findings regarding project alternatives identified in the EIR are set forth to comply with the requirements of Section 15091(s)(3) of the *CEQA Guidelines*.

The consideration of alternatives is an integral component of the CEQA process. The selection and evaluation of a reasonable range of alternatives provides the public and decision-makers with information on ways to avoid or lessen environmental impacts created by a proposed project. When selecting alternatives for evaluation, CEQA requires alternatives that meet most of the basic objectives of the project, while avoiding or substantially lessening the project's significant effects. Thus, objectives for the proposed project were considered by this board in evaluating the alternatives. These objectives are as follows:

- Construct and operate a solar energy facility capable of producing up to 500 MW AC of electricity to assist the State of California in achieving its 50 percent renewable portfolio standard by 2030;
- To provide energy to the electric grid to meet increasing demand for in-state generation;
- To facilitate enhanced grid operation by constructing and operating a solar energy generation facility coupled with energy storage system; and
- Integrate operating facilities with other existing solar projects in the vicinity to maximize economies of scale

ALTERNATIVE 1: NO PROJECT ALTERNATIVE

Alternative 1, the No Project Alternative, assumes that the development of the 500 MW PV solar facility on the 2,652.7-acre site would not occur. The No Project Alternative would not require a General Plan amendment to the Circulation Element of the Kern County General Plan to remove sections and midsection line road reservations. The No Project Alternative would not require a change in Zone Classifications for the project site from A-1 (Limited Agriculture), E (20) RS (Estate, 20 acres, Residential Suburban Combining), and PL RS MH (Platted Lands, Residential Suburban Combining, Mobile Home Combining) to A (Exclusive Agriculture). Nor would the alternative require five CUPs to allow for the construction and operation of a solar energy electrical facility.

Finding

The No Project Alternative would avoid the significant and unavoidable impacts associated with the proposed project. However, this alternative would result in greater GHG emissions impacts than the proposed project because the potential offset or displacement of GHGs from operation of the solar power generating facility, compared with traditional gas- or coal-fired power plants, would not be realized.

This alternative would not achieve any of the project objectives listed above, such as helping to achieve California's renewable energy goals or promoting economic development and bring living-wage jobs to the region throughout the life of the proposed project.

ALTERNATIVE 2: REDCUED SITE ACREAGE – DEVELOPMENT IN EXISTING DISTRUBED AREAS

Under Alternative B, the Reduced Site Acreage Alternative would avoid development of Site 1, the northern portion of Site 2, and the western portion of Site 4. Eliminating these portions from development would reduce the development area from 2,652.7 to approximately 1,430 acres (a net reduction of approximately 1,222 acres). Similar to the proposed project, this alternative would require: approval of a General Plan Amendment to the Circulation Element of the Kern County General Plan; and, a change in Zone Classifications for the project site from A-1 (Limited Agriculture), E (20) RS (Estate, 20 acres, Residential Suburban Combining), and PL RS MH (Platted Lands, Residential Suburban Combining, Mobile Home Combining) to A (Exclusive Agriculture). This alternative avoids the need for a CUP for Site 1. This alternative would require four CUPs to allow for the construction and operation of a solar energy electrical facility.

Finding

Compared to the proposed project, the Reduced Site Acreage Alternative would result in fewer impacts to aesthetics, air quality (construction period/short-term), biological resources, cultural resources, noise and traffic and transportation. Despite an incremental reduction in severity, significant and unavoidable impacts to aesthetics, air quality (cumulative), and biological resources (cumulative) would remain.

The Reduced Site Acreage Alternative meets many project objectives. However, it meets certain objectives to a lesser degree than the proposed project. Among these are to construct and operate a solar energy facility capable of producing up to 500 MW of electricity to assist the State of California in achieving its 50 percent renewable portfolio standard by 2030 and to provide energy to the electric grid to meet increasing demand for in-state generation.

ALTERNATIVE 3: ALTERNATIVE DEVELOPMENT CONFIGURATION

The purpose of this alternative is to locate the area of solar development west of Neuralia Road, increasing the project's distance from the Desert Tortoise Research Natural Area. Alternative 3 would avoid development of Site 1 and Site 2. Eliminating Site 1 and Site 2 would reduce the development by 1,290.3 acres. Instead, this alternative would develop areas located further to the west (approximately 942.8 acres). This alternative would reduce the overall development area from 2,652.7 acres to 2,305.3 acres (a net reduction of approximately 347 acres).

This alternative would require approval of a General Plan Amendment to the Circulation Element of the Kern County General Plan. This alternative would also require a change in Zone Classifications for the project site from A-1 (Limited Agriculture), A-1 MH (Limited Agriculture Mobile Home Combining), PL RS (Platted Lands, Residential Suburban Combining), PL RS GH (Platted Lands, Residential Suburban Combining, Geologic Hazard Combining), PL RS MH (Platted Lands, Residential Suburban Combining, Mobile Home Combining), and PL RS MH GH (Platted Lands, Residential Suburban Combining, Mobile Home Combining, Geologic Hazard Combining) to A (Exclusive Agriculture).

This alternative avoids the need for a CUP for Site 1 and Site 2. However, this alternative is located on numerous parcels, which are not under the ownership of the project applicant. Due to ownership and parcelization of this area, this alternative would likely require approval of more CUPs to allow for the construction and operation of a solar energy electrical facility compared to the proposed project.

Finding

Compared to the proposed project, Alternative 3 would result in fewer impacts to aesthetics, biological resources, cultural resources, and traffic and transportation. Despite an incremental reduction in severity, significant and unavoidable impacts to aesthetics, air quality (cumulative), and biological resources (cumulative) would remain. Due to the proximity of the project to the Fremont rural community on three sides, Alternative 3 could have greater noise and air quality impacts to sensitive receptors during construction.

Alternative 3 meets many project objectives. However, it meets certain objectives to a lesser degree than the proposed project. Among these are to construct and operate a solar energy facility capable of producing up to 500 MW of electricity to assist the State of California in achieving its 50 percent renewable portfolio standard by 2030 and to provide energy to the electric grid to meet increasing demand for in-state generation.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The *CEQA Guidelines* require the identification of an environmentally superior alternative to the project (*CEQA Guidelines*, Section 15126.6[e][2]). An environmentally superior alternative is an alternative to the project that would reduce and/or eliminate the significant environmental impacts associated with the project without creating other significant impacts and without substantially reducing and/or eliminating the environmental benefits attributable to the project.

Selection of an environmentally superior alternative is based on an evaluation of the extent to which the alternatives reduce or eliminate the significant impacts associated with the project on a comparison of the remaining environmental impacts of each alternative. In conducting this comparative evaluation, it can be difficult to make a determination of relative significance because some categories are relatively more or

less important and cannot be simply summed. In some cases, these categories do not create a picture of the nuances of the alternatives.

Finding

Because the No Project Alternative cannot be the Environmentally Superior Alternative under CEQA, Alternative 2, the Reduced Site Acreage Alternative, is considered the Environmentally Superior Alternative. Alternative 2 would result in fewer impacts to aesthetics, air quality (construction period/short-term), biological resources, cultural resources, noise and traffic and transportation compared to the proposed project. Despite an incremental reduction in severity, significant and unavoidable impacts to aesthetics, air quality (cumulative), and biological resources (cumulative) would remain.

Exhibit B 15093 Statement of Overriding Considerations

STATEMENT OF OVERRIDING CONSIDERATIONS

State CEQA Guidelines Section 15093

for

Eland 1 Solar Project

By 68SF 8me LLC

GPA 9, Map 152; GPA 1, Map 152-28; ZCC 11, Map 152; ZCC 12, Map 152; ZCC 1, Map 152-28; ZCC 13, Map 152; CUP 23, Map 152; CUP 24, Map 152; CUP 25, Map 152; CUP 26, Map 152; CUP 3, Map 152-28.

Final Environmental Impact Report SCH# 2012011029

Lead Agency: Kern County Planning and Natural Resource Department

The California Environmental Quality Act (CEQA) requires a public agency to balance the benefits of a proposed project against its significant unavoidable adverse impacts in determining to approve the project. The Eland 1 Solar Project would result in environmental effects that, although mitigated to the extent feasible by the implementation of mitigation measures required for the project, would remain significant and unavoidable adverse impacts, as discussed in the Supplemental Environmental Impact Report (SEIR) and CEQA findings of fact. These impacts are summarized below and constitute those impacts for which this statement of overriding considerations is made.

- 1) The proposed project would substantially degrade the existing visual character or quality of the site and its surroundings. Although the proposed project is generally well sited, the industrial nature of the facility, when introduced into the project viewshed, would substantially change the visual character of the landscape from sensitive viewers for the life of the project. In addition, there would be incremental, significant impacts to views from scenic vistas within the nearby BLM lands. The proposed facility would be visually dominant in an area that is currently undeveloped and the rural visual character of the project site would be substantially replaced with an industrial character. Based on these considerations, the project site's visual character would be significantly altered by the project. Implementation of mitigation measures would reduce impacts to visual character, but there are no feasible mitigation measures that can be implemented to preserve the existing open space landscape character while developing a solar energy facility. This is considered to be a significant and unavoidable impact.
- 2) <u>The proposed project would result in cumulative aesthetics impacts.</u> The project in combination with the cumulative projects would have significant and unavoidable impacts related to aesthetics. The "scarcity" rating criterion is particularly likely to be significantly impacted by widespread development in the area, as unobstructed views of regional topographical features and undeveloped lands would be less available as acreage is developed with PV panels and new transmission lines are constructed. Although implementation of mitigation measures would reduce impacts, the conversion of thousands of acres in a presently rural area to solar and wind energy production uses cannot be mitigated to a degree that impacts are no longer significant. This is considered to be a significant and unavoidable impact.
- 3) The proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the projects' region is nonattainment under applicable federal or state ambient air quality standards. The proposed project together with all other identified cumulative solar projects within the Kern County portion of the Mojave Desert Air Basin and the basin as a whole would contribute to a cumulatively considerable net increase of criteria pollutant for which the projects' region is nonattainment under applicable federal or state ambient air quality standards and would therefore result in temporary significant cumulative impacts. Implementation of mitigation measures would reduce impacts but cumulative construction emissions would be considered cumulatively significant, even with implementation of mitigation measures. This is considered to be a temporary significant and unavoidable impact.
- 4) <u>The proposed project would result in cumulative air quality impacts.</u> The proposed project together with all other identified cumulative solar projects within the Kern County portion of the Mojave Desert Air Basin and the basin as a whole would contribute to a cumulatively considerable net increase of criteria pollutant for which the projects' region is nonattainment under applicable federal or state ambient air quality standards and would therefore result in

temporary significant cumulative impacts. Implementation of mitigation measures would reduce impacts but cumulative construction emissions would be considered cumulatively significant, even with implementation of mitigation measures. This is considered to be a temporary significant and unavoidable impact.

5) The proposed project would result in cumulative biological resources impacts. As urbanization pressures increase within Kern County, impacts to biological resources within the region are increasing on a cumulative level. When considered with other past, present, and reasonably foreseeable future projects, the project would have an incremental contribution to a cumulative loss of low-quality foraging habitat for golden eagles and other special-status raptors, as well as the loss of existing and potential transient wildlife habitat and foraging opportunities for species that currently utilize the project area, even with the implementation of mitigation measures including avoidance, minimization and compensation. Therefore, the proposed project, coupled with other development proposed in the area, would result in a significant and unavoidable contribution to cumulative loss of habitat for primarily transient species that may utilize habitat at the project area. This is considered a significant and unavoidable impact.

Findings

This Planning Commission finds and determines that it has considered the identified means of lessening or avoiding the project's significant effects and the extent any significant direct or indirect environmental effects, including cumulative project impacts, remain unavoidable or not reduced to below a level of significance after mitigation. The Planning Commission further finds and determines that the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits of the project, as discussed below, outweigh its unavoidable adverse environmental effects. Such benefits override, outweigh, and make "acceptable" any such remaining environmental impacts of the project (*CEQA Guidelines* Section 15092(b)).

The following benefits and considerations outweigh the identified significant and unavoidable adverse environmental impacts. All of these benefits and considerations are based on the facts set forth in the findings, the Final EIR, and the record of proceedings for the project. Each of these benefits and considerations is a separate and independent basis that justifies approval of the project, so that if a court were to set aside the determination that any particular benefit or consideration would occur and justifies project approval, this Commission would otherwise stand by its determination that the remaining benefit(s) or considerations are sufficient to justify and substantiate project approval.

Facts

Each benefit set forth below constitutes an overriding consideration warranting approval of the project, independent of the other benefits, and the Planning Commission determines that the adverse environmental impacts of the project are "acceptable" if any of these benefits would be realized. The project would provide benefits to the County of Kern as follows:

- 1) The proposed project would help to meet the increasing demand for clean, renewable electrical power.
- 2) The proposed project would establish five solar PV power-generating facilities that are of a sufficient size and configuration to produce a combined total of approximately 500 MW (AC) of electricity.

- 3) The proposed project would produce and transmit electricity at a competitive cost.
- 4) The proposed project would minimize environmental effects by:
 - a) Using existing electrical distribution facilities, rights-of-way, roads, and other existing infrastructure where practicable;
 - b) Minimizing impacts to threatened species and endangered species;
 - c) Minimizing water use; and
 - d) Reducing greenhouse gas emissions.
- 5) The proposed project would use technology that is available, proven, efficient, easily maintained, recyclable, and environmentally sound.
- 6) Implementation of the proposed project would be consistent with the stated goals and policies of Section 5.4.5, Solar Energy Development, as outlined in the Energy Element of the Kern County General Plan.
- 7) The proposed project would develop solar energy facilities that are economically feasible and commercially financeable.
- 8) The proposed project would assist the State of California in meeting greenhouse gas (GHG) emissions reduction goal by 2020 and 2030 as required by the California Global Warming Solutions Act (AB 32), as amended by Senate Bill 32 in 2016.
- 9) The proposed project would assist the State of California in in meeting their obligations under California's Renewables Portfolio Standard (RPS) under Senate Bill 100 (2018), which requires that 50 percent of all electricity sold in the state be generated from renewable energy sources by December 31, 2026.
- 10) The proposed project would generate up to 1,000 construction jobs and up to 5 full time equivalent (FTE) jobs on site, and provide increased business for local contractors and vendors.

Exhibit C Mitigation Monitoring & Reporting Program (MMRP)

Mitigation Monitoring & Reporting Plan (MMRP) DRAFT

Eland 1 Solar Project By 68SF 8me LLC GPA 9, Map 152; GPA 1, Map 152-28; ZCC 11, Map 152; ZCC 12, Map 152; ZCC 1, Map 152-28; ZCC 13, Map 152; CUP 23, Map 152; CUP 24, Map 152; CUP 25, Map 152; CUP 26, Map 152; CUP 3, Map 152-28.



Mitigat	Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project	l Impact Report for Ela	nd 1 Solar Project	
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Date Initials Agency	ials
4.1	Aesthetics			
1#	 MM 4.1-1: Prior to any clearing or ground disturbing activities, the project proponent/operator shall submit a Maintenance and Trash Abatement/Pest Management Program to the Kern County Planning and Natural Resources Department for review and approval. The program shall include, but not limited to the following: The project proponent/operator shall clear debris from the project area at least twice per year once the project is operational. 	Prior to ground disturbing activities, and during construction, operation and decommissioning	Kem County Planning and Natural Resources Department; Kern County Waste Management Department; Recycling Coordinator; Kern County Public Works Department - Development Review	
		Steps to Compliance: A. This mitigation measu B. Recycle construction v	ss to Compliance: This mitigation measure shall be incorporated as a condition of approval. Recycle construction waste to the extent feasible.	
	 The project proponent/operator shall erect signs with contact information for the project proponent/operator's maintenance staff at regular intervals along the site boundary, as required by the Kern County Planning and Natural Resources Department. Maintenance staff shall respond within two weeks to resident requests for additional cleanup of debris. 		Provide Kern County Planning and Natural Resources Department and Kern County Waste Management Department with copies of hauling receipts. Kern County Public Works Department - Development Review will verify in the field during the construction period.	Kern
	 Construction trash removal, once a month during construction including a recycling program. Receptacles shall include provisions for a locking system to prevent pest/rodent access to food waste receptacles that shall be implemented. 			
	5. The project proponent/operator shall implement a regular trash removal and recycling program on an ongoing basis during operation of the project. Barriers to prevent pest/rodent access to food waste receptacles shall be implemented. Locations of all trash receptacles during operation of the project shall be shown on final plans.			
	6. The following stipulation shall be included: "All vegetation, debris or any other natural material collected as part of mowing, clearing or preparing the site for construction shall be removed the same day of such activities. Stockpiling is permitted for a period which shall not exceed ten (10) consecutive hours."			

Supplemental Environmental Impact Report for Eland I Solar Project

Mitigation Measure Monitoring Program-DRAFT Board of Supervisors – April 9, 2019

0	MILIGATION MEASULE MONITORING LINGTAIN $-$ Supplemental Environmental Impact Report for Lianu 1 Solat 1 Dect	al Impact Report for Eli	and 1 Solar Project		
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.1	Aesthetics				
#2	MM 4.1-2: The project proponent/operator shall install metal fence slats or similar view-screening materials as approved by the Kern County Planning and Natural Resources Department in all on-site perimeter fencing adjacent to parcels zoned for residential use (E [Estate Residential], R-1 [Low-Density Residential], R-3 [High-	Prior to site plan approvals and issuance of grading permits	Kern County Planning and Natural Resources Department; Kern County Public Works Department - Development Review		
	Density Residential] or PL (Platted Lands) zoning), unless the adjacent property is owned by the project proponent/operator (to be verified by the Kern County Planning and Natural Resources Department) or a public or private accent, that has submitted correstondence to the Planning and	Steps to Compliance: A. This mitigation measuary site plan review.	is to Compliance: This mitigation measure shall be incorporated as a condition of approval for any site plan review.	ion of approv	al for
	Natural Resources Department requesting this requirement be waived. Should the project proponent/operator sell the adjacent property, slat	B. The project proponen mitigation.	The project proponent/operator shall implement fencing as outlined in mitigation.	s outlined in	
	fencing or similar view-screening materials shall be installed prior to the sale.	C. Kern County Public V construction period.	Kern County Public Works Department will verify in the field during the construction period.	field during	the
#3		During project operations	Kern County Planning and Natural Resources Department		
	planted along the fence line at 500-foot intervals where the adjoining property is zoned for residential use (E [Estate Residential], R-1 [Low-	Ster A.	s to Compliance: This mitigation measure shall be incorporated as a condition of approval for	ion of approv	al for
	Density Residential, K-2 [Medium-Density Residential, K-3 [rugu- Density Residential] or PL (Platted Lands) zoning), unless the adjacent property is owned by the project proponent/operator (to be verified by the	B	any sue plan review. The project proponent/operator shall implement landscaping practices as outlined in mitigation.	ing practices	as
	Kern County Planning and Natural Resources Department) or a public or private agency that has submitted correspondence to the Kern County Planning and Natural Resources Department requesting this requirement be waived. Should the project proponent/operator or agency sell the adjacent	C. Project proponent/operate restoration plan to the Ke Department for approval.	Project proponent/operator shall submit a landscape re-vegetation and restoration plan to the Kern County Planning and Natural Resources Department for approval.	getation and Resources	
	property, drought-tolerant shall be planted prior to the sale. Landscaping must be continuously maintained on the project site(s) by the project proponent/operator in accordance with Section 19.86 (Landscaping Standards) of the Kern County Zoning Ordinance.				
	b) Prior to the commencement of operations, the project proponent/operator must submit a landscape re-vegetation and restoration plan for the project site. Ground cover shall include native seed mix and shall be spread where earthmoving activities have taken place as needed to establish re-vegetation. Seed mix shall be determined through consultation with local experts and				

Page 2 of 61

Mitigation Measure Monitoring Program-DRAFT Board of Supervisors – April 9, 2019

Impact Tim Assthetics Assthetics Impact Assthetics Assthetics Impact Absthetics Assthetics Impact Inix, a timeline for seeding the site, percentage of the site to be covered, detail the consultation efforts completed and the methods and schedule for installation of fencing that complex with wildlife agency regulations, and prohibition on the use of toxic rodenticides. Ground cover must be continuously maintained on the project site by the project proponent/operator. The tre-vegation and restoration of the site hall be monitored amults for a three-year period with an annual evaluation report the three-year period. The three-year period with "Dark Sky" lighting Prion guidelines, and shall be designed to provide the minimum illumination approved by the ken county planning and Natural Resources Director for the three-year period. A. MM 4.1-4: Project facility lighting shall comply with "Dark Sky" lighting shall be directed downward and shielded to focus illumination on the desired areas only and avoid light treespass into adjacent areas. Lenses and bulbs shall not everted downward and shielded to focus illumination on the desired areas an only and avoid light treespass into adjacent areas. Lenses and bulbs shall not everted downward and shielded to focus illumination approved by the Kem County Planning and Natural Resources Department. C.	Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project	nd 1 Solar Project		
Aesthetics Assthetics pinal to approved by the Kern County Planning and Natural Resources pinal to approved by the Kern County Planning and Natural Resources Director prior to planting. The plan must include the approved native seed mix, a timeline for seeding the site, percentage of the site to be covered, detail the consultation efforts completed and the methods and schedule for installation on the use of toxic rodenticides. Ground cover must be continuously maintained on the project site by the project prophibition on the use of toxic rodenticides. Ground cover must be continuously maintained on the project site by the project prophometroperator. The three-year period with an annual evaluation report submitted to the Kern County Planning and Natural Resources Director for the three-year period. The three-year monitoring program is intended to ensure the site naturally achieves and shell be of the three stead and shell be designed to provide the minimum illumination approved the advected downward and shelded to focus illumination on the desired areas only and avoid light treespass into adjacent areas. Lenses and bulbs shall not A. MM 4.1-5: Proposed onsite buildings shall use non-reflective materials as approved by the Kern County Planning and Natural Resources Department. C.	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
A. A			語いた	
MM 4.1-4: Project facility lighting shall comply with "Dark Sky" lighting Prion guidelines, and shall be designed to provide the minimum illumination apprineded to achieve safety and security objectives. All lighting shall be of built directed downward and shielded to focus illumination on the desired areas somly and avoid light trespass into adjacent areas. Lenses and bulbs shall not extend below the shields. Prion B. MM 4.1-5: Proposed onsite buildings shall use non-reflective materials as approved by the Kern County Planning and Natural Resources Department. Prion				c.
directed downward and shielded to focus illumination on the desired areas only and avoid light trespass into adjacent areas. Lenses and bulbs shall not A. extend below the shields. Step B. B. MM 4.1-5: Proposed onsite buildings shall use non-reflective materials as approved by the Kern County Planning and Natural Resources Department. Prion	 Prior to site plan approvals and issuance of building permits 	Kern County Public Works Department - Development Review		
B. M. 4.1-5 : Proposed onsite buildings shall use non-reflective materials as Prior approved by the Kern County Planning and Natural Resources Department. of bu	Step A.	s to Compliance: This mitigation measure shall be incorporated as a condition of approval for any site plan review.	ion of appro	val for
C. MM 4.1-5: Proposed onsite buildings shall use non-reflective materials as approved by the Kern County Planning and Natural Resources Department. approved by the Kern County Planning and Natural Resources Department.		The project proponent/operator shall ensure all outdoor lighting meet the minimum requirements for safety and security standards as well as provide the minimum illumination needed to achieve safety and security objectives as outlined in mitigation.	ghting meet as well as pr ity objectiv	the ovide the es as
MM 4.1-5: Proposed onsite buildings shall use non-reflective materials as approved by the Kern County Planning and Natural Resources Department.		The Kern County Public Works Department - Development Review shall verify compliance in the field.	ent Review s	shall
	 Prior to site plan approvals and issuance of building permits 	Kern County Planning and Natural Resources Department; Kern County Public Works Department - Development Review		
Steps to Co	e b	s to Compliance: This mitigation measure shall be incorporated as a condition of approval for	ion of appro	val for

Page 3 of 61

Board of Supervisors - April 9, 2019

Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project Impact Mitigation Measure Time Frame for Implementation Responsible Monitoring Date Initials 4.1 Aesthetics any site plan review. any site plan review. Agency All review. 8. The Kern County Planning and Natural Resources Department shall review. B. The Kern County Planning and Natural Resources Department shall review.		<u>EXNIDIT C</u>			
Time Frame for Implementation Responsible Monitoring Date Implementation Agency Date Implementation Agency Date	ire Monitoring Program – Supplemental Environmental I	mpact Report for El	and 1 Solar Project		
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					1000
			unning and Natural Resources Depa to site plan approval and issuance o	urtment shal of building	l review permits.

	Acutence		· · · · · · · · · · · · · · · · · · ·
		any site plan review.	
		 B. The Kern County Plat the design plans prior 	The Kern County Planning and Natural Resources Department shall review the design plans prior to site plan approval and issuance of building permits.
9#	MM 4.1-6: Solar panels and hardware shall be designed to minimize glare and spectral highlighting. To the extent feasible, emerging technologies shall be utilized that introduce diffusion coatings and nanotechnological innovations that will effectively reduce the refractive index of the solar cells and protective glass. These technological advancements are intended to	Prior to issuance of building permits	Kern County Planning and Natural Resources Department; Kern County Public Works Department - Development Review
	make the solar panels more efficient at converting incident sunlight into electrical power, but have the tertiary effect of reducing the amount of light that escapes into the atmosphere in the form of reflected light, which would	Steps to Compliance: A. This mitigation measu	Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval.
	be the potential source of glare and spectral highlighting.	 B. The project proponent advanced technologies spectral highlighting a 	The project proponent shall ensure that all panels and hardware utilizes advanced technologies utilized to the extent possible to minimize glare and spectral highlighting as outlined in mitigation.
		C. The Kern County Plan the design plans prior	The Kern County Planning and Natural Resources Department shall review the design plans prior to site plan approval and issuance of building permits.
		D. The Kern County Public Work verify compliance in the field.	The Kern County Public Works Department - Development Review shall verify compliance in the field.
Justifica the exten	Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final SEIR to the extent feasible.	uce the potentially significa	nt environmental effects identified in the final SEIR to

Mitigation Measure Monitoring Program-DRAFT Board of Supervisors – April 9, 2019

Page 4 of 61

Mitigati	Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project	l Impact Report for Ela	und 1 Solar Project		
Impact	Mitigation Measure	Time Frame for Implementation	itoring	Date	Initials
4.2	Air Quality				
L#	S O H O	Prior to issuance of grading permits and during operations	Kern County Planning and Natural Resources Department; Kern County Public Works Department - Development Review		
	considered all-inclusive and any other measures to reduce fugitive dust emissions not listed shall be encouraged:	Steps to Compliance: A. This mitigation m	Compliance: This mitigation measure shall be incornorated as a condition of annroval.	andition of a	nnroval.
	ant		The project proponent shall submit Site Specific Dust Control Plan to the Kern County Public Works Department - Development Review.	st Control]	an to the
	1. All soil excavated or graded shall be sufficiently watered to prevent excessive dust. Watering shall occur as needed with complete coverage of disturbed soil areas. Watering shall take	C. The Kern County verify compliance construction and d	The Kern County Public Works Department - Development Review shall verify compliance of vehicular control measures in the field during the construction and decommissioning phases of the project.	lopment Re a the field iect.	view shall during the
	active operations, unless dust is otherwise controlled by rainfall or use of a dust palliative.	D. The notice shall the site and one signed	The notice shall be mailed to all parcels within 1,000 feet of the project site and one sign shall be posted at the construction site, no sooner than 15	00 feet of 1 site, no soor	he project er than 15
	ii. All disturbed areas on the project site and proposed transmission corridor shall be watered as frequently as necessary during	days prior to construction. E. Documentation shall be	days prior to construction. Documentation shall be sent to the Kern County Planning and Natural	Planning ar	id Natural
	with a non-toxic soil stabilizer or soil weighting agent, or	F. The Kern County Publ	Resources Department. The Kern County Public Works Department - Development Review shall	lopment Re	view shall
		verify in the field	verify in the field during the construction phase of the project.	e project.	
	iii. All unpaved construction and operation/maintenance site roads, as they are being constructed, shall be stabilized with a non-toxic soil stabilizer or soil weighting agent.				
	iv. All clearing, grading, earth moving, and excavation activities shall cease during periods of winds greater than 20 miles per hour (averaged over one hour) or when dust alumes of 20 mercent or				
	greater opacity impact public roads, occupied structures or neighboring property, or as identified in a plan approved by the Eastern Kern Air Pollution Control District.				
	v. All trucks entering or leaving the project site shall cover all loads				
Sur	Supplemental Environmental Impact Report for Eland I Solar Project		Mitigation Measure Monitoring Program-DRAFT	Program-DR	AFT
	Docord	£ 61	Board of Supervisors – April 9, 2019	ors -April 9,	2019

Exhibit C

Page 5 of 61

Mitigati	Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project	al Impact Report for E	land 1 Solar Project		
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.2	Air Quality				
	of soils, sands, and other loose materials, or be thoroughly wetted with a minimum freeboard height of six inches.				
	vi. Areas disturbed by clearing, earth moving, or excavation activities shall be minimized at all times.				
	vi. Stockpiles of soil or other fine loose material shall be stabilized by watering or other appropriate method to prevent wind-blown fugitive dust.				
	vii. All soil storage piles and disturbed areas that remain inactive for longer than 10 days shall be covered, or shall be treated with appropriate dust suppressant compounds.				
	viii. Prior to construction, wind breaks (such as chain-link fencing including a wind barrier) shall be installed where appropriate.				
	ix. Where acceptable to the Kern County Fire Department, weed control shall be accomplished by mowing instead of discing, thereby, leaving the ground undisturbed and with a mulch covering.				
	2. Site Construction. After clearing, grading, earth moving and/or excavating is completed within any portion of the project site, the following dust control practices shall be implemented:				
	i. Once initial leveling grading has ceased, all inactive soil areas within the construction site <u>disturbed by grading</u> shall be immediately treated with a dust palliative <u>or other appropriate</u> <u>material to minimize dust.</u> (SR- 3/14/19)				
	ii. Dependent on specific site conditions (season and wind conditions), revegetation shall occur in those areas so planned as soon as practical after installation of the solar panels.				
	iii. All unpaved road areas shall be treated with a dust palliative or graveled to prevent excessive dust.				
	3. Vehicular Activities. During all phases of construction, the following vehicular control measures shall be implemented:				
	 No vehicle shall exceed 10 miles per hour on unpaved areas within the project site, with the exception that vehicles may travel up to 25 miles per hour on stabilized unpaved roads as long as such 				
Su			Mitigation Measure Monitoring Program-DRAFT	g Program-D	RAFT 2019

Exhibit C

Page 6 of 61

Mitigat	Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project	d Impact Report for Elar	id 1 Solar Project		
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.2	Air Quality	「「「「「「「」」」」		a state	
	speeds do not create visible dust emissions. ii. Visible speed limit signs shall be posted at the project site entrance(s)				
	iii. All areas with vehicle traffic, especially the main entrance roadway to the project site, shall be graveled or treated with dust palliatives so as to prevent track-out onto public roadways.				
	iv. All vehicles that are used to transport solid bulk material on public roadways and that have potential to cause visible emissions shall be provided with a cover, or the materials shall be sufficiently wetted and loaded onto the trucks in a manner to provide at least one foot of freeboard.				
	 V. Streets adjacent to the project site shall be kept clean and project related accumulated silt shall be removed on a regular basis. The use of either dry rotary brushes (unless prior wetting) or blower devices is prohibited. 				
	vi. Access to the project site shall be by means of an apron into the facility site from adjoining surfaced roadways. The apron shall be surfaced or treated with dust palliatives. If operating on soils that cling to the wheels of vehicles, a grizzly, wheal washer, or other such device shall be used on the road exiting the facility site, immediately prior to the pavement, in order to remove most of the soil material from vehicle tires.				
8#	MM 4.2-2: The project proponent/operator and/or its contractor(s) shall implement the following measures during construction of the proposed project on the project site:	During construction	Kern County Public Works Department - Development Review		
	a) All equipment shall be maintained in accordance with the manufacture's specifications.b) Equipment shall be shut down when not in use for extended periods of	Steps to Compliance: A. This mitigation measur any site plan review.	s to Compliance: This mitigation measure shall be incorporated as a condition of approval for any site plan review.	ition of app	oval for
	time. c) No individual piece of construction equipment shall operate no longer than eight cumulative hours per day. ($SR-3/14/19$) d) Electric equipment shall be used whenever feasible in lieu of diesel \Box or	 B. The project proponent/ compliance with praction C. The Kern County Public verify in the field durin 	The project proponent/operator shall submit evidence of implementation of compliance with practices as outlined in mitigation. The Kern County Public Works Department - Development Review shall verify in the field during the construction phase of the project.	`implement nent Review roject.	ttion of shall
N.	L Supplemental Environmental Impact Report for Eland I Solar Project		Mitigation Measure Monitoring Program-DRAFT Board of Supervisors – April 9, 2019	Program-DI	LAFT 2019
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Page 7 of 61

Mitigat	<u>EXhibit C</u> Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project	it C I Impact Report for Ela	nd 1 Solar Project		
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.2	Air Quality				
	 gasoline powered equipment. e) All construction vehicles shall be equipped with proper emissions control equipment and kept in good and proper running order to substantially reduce NOx emissions. f) On road and off road diesel equipment shall use diesel particulate filters if permitted under manufacturer's guidelines. 				
6#	MM 4.2-3: The project proponent/operator shall continuously comply with the following measures during construction and operation to control NOX emissions from on-road heavy-duty diesel haul vehicles that are contracted on a continuing basis for use to haul equipment and materials for the proposed project:	Prior to issuance of a grading or building permit	Kern County Planning and Natural Resources Department; Kern County Public Works Department - Development Review		
	 a) 2006 engines or pre-2006 engines with California Air Resources Board certified Level 3 diesel emission controls will be used to the extent possible. b) All on-road construction vehicles, except those meeting the 2006/California Air Resources Board certified Level 3 diesel emissions controls, shall meet all applicable California on-road emission standards and shall be licensed in the State of California. This does not apply to worker personal vehicles. c) The construction contractor shall ensure that all on-road construction vehicles are properly tuned and maintained in accordance with the manufacture's specifications. 	 Steps to Compliance: A. This mitigation measu any site plan review. B. The project proponent compliance with pract Planning and Natural I C. The Kern County Publ verify in the field duri 	s to Compliance: This mitigation measure shall be incorporated as a condition of approval for any site plan review. The project proponent/operator shall submit evidence of implementation of compliance with practices as outlined in mitigation to the Kern County Planning and Natural Resources Department. The Kern County Public Works Department - Development Review shall verify in the field during the construction phase of the project.	ion of approv implementat Kern County ent Review sl oject.	al for on of all
#10	 MM 4.2-4: The project proponent/operator shall continuously comply with the following during operation to control fugitive dust emissions: a) The unpaved main access road for employees and deliveries to the maintenance complex shall be paved or effectively stabilized using soil stabilizers that can be determined to be as efficient as or more efficient 	During Construction activities	Kern County Planning and Natural Resources Department; Kern County Public Works Department - Development Review s		
	for fugitive dust control than California Air Resources Board approved soil stabilizers, and that shall not increase any other environmental impacts including loss of vegetation b) The other unpaved roads at the project site shall be stabilized using water or soil stabilizers so that vehicle travel on these roads does not	Steps to Compliance: A. This mitigation measu any site plan review. B. The project proponent compliance with pract	s to Compliance: This mitigation measure shall be incorporated as a condition of approval for any site plan review. The project proponent/operator shall submit evidence of implementation of compliance with practices as outlined in mitigation to the Kern County	tion of approv implementati	al for on of
Su Su	Supplemental Environmental Impact Report for Eland I Solar Project		Mitigation Measure Monitoring Program-DRAFT	Program-DRAFT	FT

Page 8 of 61

Mitigat	<u>Exhibit C</u> Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project	it C I Impact Report for Ela	nd 1 Solar Project		
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.2	Air Quality				
	cause visible dust plumes.		cesources Department.		
	c) Traffic speeds on unpaved roads shall be limited to no more than 10 miles per hour, with the exception that vehicles may travel up to 25 miles per hour on stabilized unpaved roads as long as such speeds do not create visible dust emissions. Traffic speed signs shall be displayed prominently at all site entrances and at egress point(s) from the central maintenance complex.	 C. The Kern County Public verify in the field durit 	The Kern County Public Works Department - Development Review shall verify in the field during the construction phase of the project.	pit Review s ject.	hall
#11	MM 4.2-5: Prior to ground disturbance activities, the project proponent shall provide a "Valley Fever Training Information Packet" and conduct training sessions for all construction personnel. A copy of the handout and a schedule of education sessions shall be provided to the Kern County Planning and Natural Resources Denartment. All evidence of the training	Prior to and during construction and decommissioning	Kern County Planning and Natural Resources Department		
	session(s) and handout(s) shall be submitted to the Kern County Planning	Steps to Compliance:			
	and Natural Resources Department on a monthly basis. Multiple training sessions may be conducted if different work crews come to the site for different stages of construction; however, all construction personnel shall be provided training prior to beginning work. The evidence submitted to the	A. This mitigation measuB. All Valley Fever mateall training sessions sh	This mitigation measure shall be incorporated as a condition of approval. All Valley Fever materials shall be provided to all construction personnel and all training sessions shall be conducted prior to construction activities.	ion of appre truction persion activities	val. onnel and
	Kern County Planning and Natural Resources Department regarding the "Valley Fever Training Handout" and Session(s) shall include the following:	 C. The project proponent materials, handout(s) a Resources Department 	The project proponent shall submit all evidence of the training session materials, handout(s) and schedule to the Kern County Planning and Natural Resources Department within 72 hours of the first training session.	ining sessio lanning and g session.	n Natural
	a) A sign-in sheet (to include the printed employee names, signature, and date) for all employees who attended the training session.				
	b) Distribution of an information packet that includes educational information regarding the health effects of exposure to criteria pollutant emissions and Valley Fever; symptoms of exposure; and instruction for reporting cases of flu-like or respiratory illness symptoms to the Site Safety Officer. Those with persistent systems lasting more than 3 days shall be recommended to seek immediate medical advice.				
	c) Training on methods that may help prevent Valley Fever infection.				
	d) A demonstration to employees on how to use personal protective equipment, such as respiratory equipment (masks), to reduce exposure to pollutants and facilitate recognition of symptoms and earlier treatment of Valley Fever. Though use of the equipment is not mandatory during work the equipment shall be readily available and				
Su	Supplemental Environmental Impact Report for Eland I Solar Project		Mitigation Measure Monitoring Program-DRAFT	Program-DR	AFT
	ſ		Board of Supervisors – April 9, 2019	ors –April 9,	2019

Page 9 of 61

	Exhibit C	it C			
Mittigati	Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project	l Impact Report for Ela	nd 1 Solar Project		
Impact	Impact Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.2	Air Quality	の「私気をおける」という			
	shall be provided to employees for use during work, if requested by an employee. Proof that the demonstration is included in the training shall be submitted to the county. This proof can be via printed training materials/agenda, DVD, digital media files, or photographs.				
#12	MM 4.2-6 Prior to the issuance of grading permits, a onetime fee shall be paid to the Kern County Public Health Services Department in the amount of \$3,200 for Valley Fever public awareness programs.	Prior to issuance of grading permits	Kern County Public Health Services Department.		
		Steps to Compliance: A. This mitigation measure shal B. The project proponent shall Health Services Department.	is to Compliance: This mitigation measure shall be incorporated as a condition of approval. The project proponent shall pay the onetime fee to the Kern County Public Health Services Department.	ion of appro Kern Cou	val. nty Public
Justifica the exten	Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final SEIR to the extent feasible.	luce the potentially significa	nt environmental effects identified	in the final	SEIR to

Mitigation Measure Monitoring Program-DRAFT Board of Supervisors – April 9, 2019

Page 10 of 61

Mitigati	Mitigation Measure Monitoring Program – Sunnlemental Environmental	ental Environmental Imnact Renort for Fland 1 Solar Project	nd 1 Solar Project	
Impact	Mitigation Measure	Time Frame for Implementation	itoring Date	Initials
4.3	Biological Resources	のないないであった。		TUNK S
#13	 MM 4.3-1: Prior to the issuance of a grading or building permit: Project Site (Sites 1 through 5, where project construction is initiated): (RTC-3/4/19) The project <u>developer/operator</u> shall provide evidence to the project <u>developer/operator</u> become that the project <u>developer/operator</u> become and become that the project <u>developer/operator</u> become and become the project <u>developer/operator</u> become and become the project <u>developer/operator</u> become and become an	Prior to issuing of a grading or building permit	Kern County Planning and Natural Resources Department; U.S. Fish and Wildlife Service and California Department of Fish and Wildlife, if necessary	
	 Nern County Flatming and value Accounts Department of Fish and Wildlife (CDFW) for Desert Tortoise (if determined to be required) and/or Mohave Ground Squirrel (if determined to be required) and/or Mohave Ground Squirrel (if determined to be required) and/or Mohave Ground Squirrel (if determined to be required) and/or Mohave Ground Squirrel (if determined that an ITP is not required, for any Site or portion of a Site (i.e., Sites 1 through 5) such a permit is not required, the project developer/operator shall provide a letter describing the consultation process and wildlife agency determination, indicating that an ITP permit-is not required. The letter shall also identify the CDFWG point of contact and contact information. Should an ITP not be required for either species, then the project developer/operator shall be responsible for implementing the specific mitigation measures designed to avoid impacts to these species (MM 4.3-11.4.3-12 and 4.3-13). (<i>RTC</i>-3/4/19) If an ITP is required for either specific mitigation measures designed to avoid impacts to these species (MM 4.3-11.4.3-12 and 4.3-13). (<i>RTC</i>-3/4/19) If an ITP is required for either specific measures to reduce potential for take would be identified and fracting the implemented through the ITP consultation process. This includes specific details and requirements for project construction. Operations. Mohave Ground Squirrel), then specific measures to reduce potential for take would be identified and implemented through the ITP consultation process. This includes specific details and requirements. Should an Equipmentation process and specific conditions including fencing requirements. Should an Equipment the termination includes specific negation. Should a condition as part of the ITP. (<i>RTC</i>-3/4/19) Off-Site Gen-Tie The project developer/operator shall provide evidence to the Kern County Planning and Natural Resources Department that that 	Steps to Compliance: A. If required by Californi Section 2081 permit for Planning and Natural R required, the project pro determination of the Ca B. Copies of all surveys an agencies shall be submi Resources Department.	s to Compliance: If required by California Department of Fish and Wildlife, a copy of the Section 2081 permit for incidental take shall be submitted to the Kern County Planning and Natural Resources Department. If a Section 2081 permit is not required, the project proponent/operator shall submit a statement verifying the determination of the California Department of Fish and Wildlife. Copies of all surveys and communications with the appropriate wildlife agencies shall be submitted to the Kern County Planning and Natural Resources Department.	ounty not ng the
Ins	Supplemental Environmental Impact Report for Eland I Solar Project		Mitigation Measure Monitoring Program-DRAFT	li u

Exhibit C

Page 11 of 61

		Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
#14 MM 4.3-2: Prior to the issuanc proponent/operator shall reta qualifications of an Authorized and Wildlife Service to oversee desert tortoise and other special onsite during all fencing and g construction phase. The project activities that are in violation of protection measures. Work shall or other special species are rem	an Incidental Take Permit (ITP) from California Department of Fish and Wildlife (CDFW) and/or U.S. Fish and Wildlife Service has been obtained for Mohave ground squirrel and/or Desert Tortoise. (<i>RTC-3/4/19</i>) Specific measures to reduce potential for take of the species would be identified and implemented through the ITP consultation process with CDFW and U.S. Fish and Wildlife Service. This includes specific details and requirements for project construction, operation, and decommissioning. Specifications identified in Mitigation Measures 4.3-11, 4.3-12 and 4.3-13 may be modified accordingly to reflect the ITP consultation process and specific conditions required as part of the ITP, or as modified through National Environmental Policy Act review for those portions of the gen-tie that traverse BLM lands. (<i>RTC-3/4/19</i>)	5			
protection measures. Work shal or other special species are rem	MM 4.3-2: Prior to the issuance of grading or building permits, the project proponent/operator shall retain a Lead Biologist who meets the qualifications of an Authorized Biologist as defined by United States Fish and Wildlife Service to oversee compliance with the protection measures for desert tortoise and other speciel species. The project Lead Biologist shall be onsite during all fencing and ground disturbance activities throughout the construction phase. The project Lead Biologist shall have the right to halt all activities that are in violation of the desert tortoise or other special species.	Prior to issuance of grading or building permits	Kern County Planning and Natural Resources Department; Kern County Public Works Department - Development Review; U.S. Fish and Wildlife Service and California Department of Fish and Wildlife, if necessary		
project biologist shall have in her/his possession a compliance measures while work is being conducted onsite.	protection measures. Work shall proceed only after hazards to desert tortoise or other special species are removed and the species is no longer at risk. The project biologist shall have in her/his possession a copy of all the compliance measures while work is being conducted onsite.	 Steps to Compliance: A. The project proponent/ performed by a qualifie B. The project proponent/ Kern County Planning C. If desert tortoises are pi for desert tortoises are di described in MM 4.3-2 D. If desert tortoises are di Development Review s 	eps to Compliance: The project proponent/operator shall conduct a pre-construction survey that is performed by a qualified biologist for the presence of desert tortoises. The project proponent/operator shall submit copies of the survey results to the Kern County Planning and Natural Resources Department. If desert tortoises are present on site, a qualified biologist shall develop a plan for desert tortoise translocation and monitoring prior to project construction as described in MM 4.3-2. If desert tortoises are discovered, the Kern County Public Works Department - Development Review shall verify in the field the compliance and	uction surve ert tortoises. survey resul t. shall develo oject constru oject constru vorks Depe nce and	 that is to the a plan iction as

Page 12 of 61

Mitigation Measure Monitoring Program-DKAF1 Board of Supervisors – April 9, 2019

Impact Mitigation Measure 4.3 Biological Resources 4.3 Biological Resources #15 MM 4.3-3: Prior to issuance of grading or building permit and for the duration of construction activities, the project tropoment shall demonstrate it han in place a Worker Environmental Awareness Program (WEAP) for all construction personnel on-site complete WEAP training prior to conducting any construction personnel on-site complete WEAP training prior to conducting any construction personnel on-site, and all of the WEAP training the project Lead Biologist shall perform the following training-related tasks: a) Provide the training materials for WEAP training. These materials shall include the measures and mitigation requirements for protected plant and wildlife species (e.g., avoidance and buffer requirements) include the measures and mitigation requirements. The protection measures. WEAP training and Natural Resources Department a discovered. b) Send a copy of this list shall be provided to the Kem County Planning and Natural Resources Department. c) Maintain a list of on-site of all employees who have undergone WEAP training. A copy of this list shall be provided to the Kem County Planning and Natural Resources Department. miclude information on the life history of the desert trotose, as well as other special-status wildlife and plant species that may be encountered during construction. Operations and maintenance, and desortments to the Kem County Planning and Natural Resources Department as necessary (<i>RPS Planning</i> experiments the resources department as necessary (<i>RPS Planning</i> experiments the descriptions, the deformation of "take" under species, their legal protections, the definition of "take" under the Endangered 	Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project	pact Report for Ela	nd 1 Solar Project		
	Tin	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
		implementation of the mitig The operator shall conduct submit results of monitorin Resources Department and verification of compliance	implementation of the mitigation set forth in MM 4.3-2. The operator shall conduct annual biological monitoring. The applicant shall submit results of monitoring to the Kern County Planning and Natural Resources Department and the appropriate wildlife agencies for review and verification of compliance	he applican ind Natural s for review	t shall and
	Pri gra per cor	Prior to issuance of grading or building permits, and during construction activities	Kern County Planning and Natural Resources Department		
	ting Ster the A. A. A. A. A. A. A. A. A. A. A. A. A. A	 Steps to Compliance: A. This mitigation measu B. All construction works Awareness Training construction activities maintenance of the con construction metal training D. A copy of the training who attended the training shall be submitted to Department. 	s to Compliance: This mitigation measure shall be incorporated as a condition of approval. All construction workers shall attend the Construction Worker Environmental Awareness Training and Education Program prior to participating in construction activities; any employee responsible for the operation and maintenance of the completed facilities shall also receive this training An acknowledgement form signed by each worker indicating that environmental training has been completed will be kept on record. A copy of the training materials, as well as a list of the names of all personnel who attended the training and copies of the signed acknowledgement forms shall be submitted to the Kern County Planning and Natural Resources Department.	ion of appro Vorker Envi to partici r the oper this training ker indica n record. ames of all nowledgem d Natural	val. ronmental pating in ation and s tring that personnel lent forms Resources
Species Act (ESA) or California Endangered Species Act (CESA), measures the project operator is implementing to protect the desert tortoise and other special-status species, reporting requirements, specific measures that each	Prio grad gerad pert pert cons Stel B.	Prior to issuance of grading or building permits and during construction Steps to Compliance: A. This mitigation measu B. All construction work	r to issuance of Kern County Planning and ling or building Natural Resources Department nits and during struction Struction Struction Struction	ion of appro	vval. rronmental

Page 13 of 61

Implementation Time Frame for Implementation Responsible Monitoring Agency Date Initials 4.3 Biological Resources Agency Responsible Monitoring Date Initials 4.3 Biological Resources Agency Responsible for he operation attraction and information regurding sensitive patients, and pentifications and information regurding sensitive patients, and particulation and information regurding sensitive patients, patients, patients, and mathemater of the completed for the value of the found particulation and information regurding sensitive patients, patients, patients, patients, and particulation and information regurding sensitive patients, patients, patients, patients, patients, and patiented or perturbation personal. <i>RCC34/19</i> An acknowledgement form signed by each worker indicating the evolutemental rating and copied to censtruction personal. <i>RCC34/19</i> An acknowledgement form signed by each worker indicating the evolutemental rating and copied to censtruction personal. <i>RCC34/19</i> An acknowledgement form signed by each worker indicating the evolutemental rating and copied the rating and copies of the signed acknowledgement form partners. Date Date Initials 1 An acknowledgement form signed by each worker has provided to centration personal. <i>RCC34/19</i> An acknowledgement form signed by each worker indicating the evolutemental rating the completed for the monitored. Date Initials 1 An acknowledgement form signed by each worker has brance acces and fore rating and are wearin	Mitigation	Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project	Impact Report for Ela	nd 1 Solar Project		
 Biological Resources Biological Resources status wildlife species, and penalties for violation of the Aet ESA or CESA. Identification and information regarding sensitive plants (such as the alkali mariposa lity, Charlotte's phacelia, creamy blazing star, desert cymopteris, Barstow woolly sunflower, Sagebrush loeflingia, white pygmy-poppy, Mojase sunflower, Dath Valley sandmat, golden goodmania, solitary D. Barstow woolly sunflower, Teamy blazing star, desert cymopteris, C. Barstow woolly sunflower, Sagebrush loeflingia, white pygmy-poppy, Mojase sunflower, Dath Valley sandmat, golden goodmania, solitary D. blazing star, and Mojave fish-hook cactus or other special- status plant species) shall also be provided to construction personnel. (<i>RTC-34/19</i>) i. An acknowledgement form signed by each worker indicating that environmental training thas been completed. ii. A sticker that shall be placed on hard hats indicating that the worker has completed the environmental training. Construction area unless they have attended the training and are wearing hard hats with the required site; iii. A copy of the training and are wearing hard hats with the required site; iii. A copy of the training and are wearing hard hats with the required site; iii. A copy of the training and are wearing hard hats with the required site; iii. A copy of the training and are wearing hard hats with the required site; iii. A copy of the training and are wearing hard hats with the required site; iii. A copy of the training and are wearing hard hats with the required site; iii. A copy of the training and are wearing hard hats with the required site; iii. A copy of the training and are wearing hard hats with the required site; iii. A copy of the training and are wearing hard hats with the required site; iii. A copy of the training and are weared area of the Kern County Planning and Natural Resources Department.	mpact	litigation Measure	Time Frame for Implementation	itoring	Date	Initials
 status wildlife species, and penalties for violation of the Act ESA or CESA. Identification and information regarding sensitive plants (such as the alkali mariposa lily, Charlotte's phacelia, creamy blazing star, desert cymopteris, Barstow woolly sunflower, sagebursh locflingia, white pygny-poppy, Mojave sunflower, Death Valley sandmat, golden goodmania, solitary D. Barstow woolly sunflower, sagebursh locflingia, white pygny-poppy, Mojave sunflower, Death Valley sandmat, golden goodmania, solitary D. Barstow woolly sunflower, asgebursh locflingia, white pygny-poppy, Mojave sunflower, Death Valley sandmat, golden goodmania, solitary Diazing star, and Mojave fish-hook cactus or other special- status plant species) shall also be provided to construction personnel. (<i>RTC-3M19</i>) i. An acknowledgement form signed by each worker indicating that environmental training has been completed. ii. A sticker that shall be placed on hard hats indicating that the worker has completed the environmental training. Construction area unless they have attended the training and are wearing hard hats with the required sticker; iii. A copy of the training and are wearing hard hats with the required sticker; iii. A copy of the training and contractor(s) shall be submitted to the Kern County Planning and Santral Resources Department. iv. The construction activities to sensitive biological resources that are outside the areas defined as subject to impacts by project permits. MM 4.3-5: The anticipated impact zones, including staging areas, equipment accounts. MM 4.3-5: The anticipated impact zones, including staging areas, equipment access, and disposal or temporary placement of spoile provided. 		iological Resources				
project permits. MM 4.3-5: The anticipated impact zones, including staging areas, equipment access, and disposal or temporary placement of spoils, shall be delineated with stakes and flagging prior to construction to avoid natural resources where possible. Construction-related activities outside of the impact zone shall be avoided.	аланала 1997 — II —			ruction activities; any employee responsible for the operation tenance of the completed facilities shall also receive this training acknowledgement form signed by each worker indicating onmental training has been completed will be kept on record. py of the training materials, as well as a list of the names of all pers attended the training and copies of the signed acknowledgement 1 be submitted to the Kern County Planning and Natural Reso urtment.	the operation this training a record. ames of all pers nowledgement d Natural Resc	tion and ing that personnel int forms tesources
Ster A.		project permuts. MM 4.3-5: The anticipated impact zones, including staging areas, quipment access, and disposal or temporary placement of spoils, shall be lelineated with stakes and flagging prior to construction to avoid natural esources where possible. Construction-related activities outside of the mpact zone shall be avoided.	Prior to construction	Kern County Planning and Natural Resources Department; Kern County Public Works Department - Development Review		
B. Kern County Public Works Department will verify in the field during the construction period.			1 10	re shall be incorporated as a conditi orks Department will verify in the f	ion of appro	val for the

Page 14 of 61

Aitigati	Mitigation Measure Monitoring Program – Supplemental Environmental	tal Environmental Impact Report for Eland 1 Solar Project	nd 1 Solar Project		
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.3	Biological Resources				
#18	MM 4.3-6: New and existing roads that are planned for either construction or widening shall not extend beyond the planned impact area. All vehicles	During construction	Kern County Public Works Department		
	passing or turning around shall do so within the planned impact area or in previously disturbed areas. Where new access is required outside of existing roads or the construction zone, the route shall be clearly marked (i.e., flagged and/or staked) prior to the onset of construction.	Steps to Compliance:A. This mitigation measu any site plan review.B. Kern County Public W construction period.	os to Compliance: This mitigation measure shall be incorporated as a condition of approval for any site plan review. Kern County Public Works Department will verify in the field during the construction period.	tion of appr	oval for g the
#19	MM 4.3-7: Spoils shall be stockpiled in disturbed areas presently lacking native vegetation. Stockpile areas shall be marked to define the limits where	During construction	Kern County Public Works Department		
	stockpiling can occur. Standard best management practices shall be employed to prevent loss of habitat due to erosion caused by project related impacts (i.e., grading or clearing for new roads). All detected erosion shall be remedied within two days of discovery.	 Steps to Compliance: A. This mitigation measure shal any site plan review. B. The project proponent/opera where stockpiling can occur. C. Kern County Public Works I construction period. 	s to Compliance: This mitigation measure shall be incorporated as a condition of approval for any site plan review. The project proponent/operator shall mark stockpile areas to define the limits where stockpiling can occur. Kern County Public Works Department will verify in the field during the construction period.	tion of appr is to define t field durin	oval for he limits g the
#20	MM 4.3-8: Fueling of equipment shall take place within existing paved roads, and not within or adjacent to drainages or native desert habitats. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary.	Prior to and during construction	Kern County Planning and Natural Resources Department Kern County Public Works Department		
		Steps to Compliance: A. This mitigation measurany site plan review. B. Kern County Building I the construction period.	s to Compliance: This mitigation measure shall be incorporated as a condition of approval for any site plan review. Kern County Building Inspectors shall verify in the field prior to and during the construction period.	tion of appr	oval for d during
#21	MM 4.3-9: Ground disturbing construction activity shall be monitored by the qualified Lead Biologist or by biological monitors under the Lead	During construction	Kern County Public Works Department		
	Biologist's supervision to ensure compliance with avoidance and minimization measures.	Steps to Compliance: A. This mitigation measu	s to Compliance: This mitigation measure shall be incorporated as a condition of approval for	tion of appr	oval for

Page 15 of 61

Board of Supervisors - April 9, 2019

	Exhibit C	t C			
Mitigat	Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project	Impact Report for Ela	nd 1 Solar Project		
Impact	Impact Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Date Agency	Initials	
4.3	Biological Resources				-
		any site plan review.			-
		 B. Kern County Public W construction period. 	Kern County Public Works Department will verify in the field during the construction period.	ring the	
#22		During construction	Kern County Planning and		
	controlled whetever possible, and thay be achieved unough physical of chemical removal and prevention. Preventing exotic plants from entering the site via vehicular sources shall include measures such as implementing		Kern County Public Works Department		
	Track-clean or other method of vehicle cleaning for vehicles coming and going from the site. Earth-moving equipment shall be cleaned prior to	Steps to Compliance:	os to Compliance:	urvital for	

MM 4.3-11: Implement the following measures: #23

and the United States Fish and Wildlife Service.

This mitigation measure shall be incorporated as a condition of approval for

any site plan review.

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transport to the project area. Weed-free rice straw or other certified weedfree straw shall be used for erosion control. Weed populations introduced into the site during construction shall be eliminated by chemical and/or mechanical means approved by California Department of Fish and Wildlife

construction period.

B.

Kern County Public Works Department will verify in the field during the

Natural Resources Department; Kern County Public Works

Department of Fish and Department; California

Wildlife, if necessary

Kern County Planning and

During construction and

operations

cymopteris, Barstow woolly sunflower segebrush loeflingia, white pygmy poppy, Mojave sunflower, Death Valley sandmat, golden goodmania, solitary blazing star, and Mojave fish hook cactus or other along the alternative gen-tie and other collector line routes during the appropriate blooming period in accordance with the guidelines established by the California Department of Fish and Wildlife (CDFW) (2018), for alkali mariposa lily, Charlotte's phacelia, creamy blazing star, desert special status plant species, including species protected by the California Desert Native Plants Act. (RTC-3/4/19) If no special status Barstow woolly Prior to construction, the project operator and/or contractor shall retain a qualified biologist or botanist to conduct preconstruction rare plant survey(s) in areas identified as potentially suitable habitat for Barstow woolly sunflower along the within the Eland 1 Solar site project sites and sunflower plant species are observed during the focused surveys, no further In the event ground disturbance does not commence on the transmission line corridor within two (2) years of the last rare plant surveys (RTC-3/4/19)

If necessary, implement site-specific recommendations under the guidance of a

qualified biologist, including preparation of a Habitat Mitigation Plan in

consultation with California Department of Fish and Wildlife.

This mitigation measure shall be incorporated as a condition of approval for

any site plan review.

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Steps to Compliance:

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The Habitat Mitigation Plan shall include practices as outlined in mitigation.

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with the appropriate wildlife agencies shall be submitted to the Kern County

Planning and Natural Resources Department

Kern County Public Works Department will verify in the field during the

construction period.

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A copy of the Habitat Mitigation Plan and all surveys and communications

Mitigation Measure Monitoring Program-DRAFT Board of Supervisors - April 9, 2019

Supplemental Environmental Impact Report for Eland I Solar Project

Page 16 of 61

Mitigat	Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project	al Impact Report for E	land 1 Solar Project		
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.3	Biological Resources				
	actions would be required.				
	If any of these plant species are found during the preconstruction surveys, the project operator and/or contractor shall delay ground disturbance activities and contact California Department of Fish and Wildlife for consultation. If required, in consultation with California Department of Fish and Wildlife, a Habitat Mitigation Plan shall be prepared that includes, at a minimum, the following: (RTC-3/4/19)				
	a) If alkali mariposa lily, Charlotte's phacelia, creamy blazing star, desert eymopteris, Barstow woolly sunflower(<u>s)</u> , sagebrush loeflingia, white pygmy poppy, Mojave sunflower, Death Valley sandmat, golden goodmania, solitary blazing star, and Mojave fish hook cactus or other				
	special status plant species, including species protected by the California Desert Native Plants Act (RTC-3/4/19) are observed within the				
	proposed project footprint <u>during preconstruction surveys</u> , the <u>qualified</u> <u>biologist or botanist shall delay ground disturbance activities and</u> <u>contact CDFW for consultation (RTC-334/19)</u> #The proposed project shall				
	be designed in consultation with the Lead Biologist, to reduce impacts to the snecies through the establishment of preservation areas and				
	buffers. If avoidance or minimization measures are implemented onsite, a Habitat Mitigation Plan shall be developed to ensure adequate		5		
	management and conservation of botanical resources on-site over the long term. A copy of the Habitat Mitigation Plan shall be submitted to				
	the Kern County Planning and Natural Resources Department.				
	D) It the proposed project would entimate more than 10 percent of the local population of alkali mariposa lily, Charlotte's phacelia, creamy blazine star, desert evmonteris, Barstow woolly sunflower, sagebrush				
	loeflingia, white pygmy poppy, Mojave sunflower, Death Valley sandmat, golden goodmania, solitary blazing star, and Mojave fish hook				
	eactus or other special status plant species, (RTC-3/4/19) If Barstow woolly sunflower(s) are observed within the proposed project footprint				
N)	Supplemental Environmental Impact Report for Eland I Solar Project		Mitigation Measure Monitoring Program-DRAFT	g Program-D	RAFT 2019
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Page 17 of 61

	Exhibit C	it C			
Mitigat	Mitigation Measure Monitoring Program – Supplemental Environmenta	nental Environmental Impact Report for Eland 1 Solar Project	and 1 Solar Project		
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.3	Biological Resources				
	during preconstruction surveys, and impacts cannot be avoided, the Habitat Mitigation Plan would also include the following:				
	 The area of occupied habitat to be preserved and removed; ii. Identification of onsite or offsite preservation, restoration, or enhancement location(s); 				
	iii. Methods for preservation, restoration, enhancement, and/or population translocation;				
	iv. A replacement ratio and success standard of 1:1 for occupied habitat lost unless a lower mitigation ratio and/or alternative mitigation is agreed to in coordination with CDFW;				
	v. A five year monitoring program to ensure mitigation success;		л. ₁ .		
	vi. Adaptive management and remedial measures in the event that performance standards are not achieved;				
	vii. Financial assurances and a mechanism for conservation of any mitigation lands required in perpetuity.				
	c) Prior to the commencement of ground disturbance activities, botanical surveys for alkali mariposa lily, Charlotte's phacelia, creamy blazing				
	star, desert cymopteris, Barstow woolly sunflower, sagebrush loeflingia, white pygmy poppy, Mojave sunflower, Death Valley sandmat, golden				
	goodmania, solitary blazing star, and Mojave fish-hook cactus or other special status plant species, including species protected by the California				
	Desert Native Plants Act, shall be conducted. The surveys shall be conducted within potentially suitable habitat along the Eland 1 Solar site				
	and alternative gen tie and collector line routes that would be directly afforted by the managed national Conject of all curveys and				
	te wildlife agencies shall nnine and Natural Resou				
	Company from the				
#24	MM 4.3-12: The project proponent/operator and /or contractor shall	Prior to issuance of grading or building	Kern County Planning and Natural Resources Department;		
Su Su	Supplemental Environmental Impact Report for Eland I Solar Project		Mitigation Measure Monitoring Program-DRAFT	lg Program-L	RAFT

Page 18 of 61

Mitigat	ion M	<u>الالالالالالالالالالالالالالالالالالال</u>	I C Impact Report for El	and 1 Solar Project		
Impact	Miti	Mitigation Measure	Time Frame for Implementation	itoring	Date In	Initials
4.3	Biolo	Biological Resources		のないなどの見ています。	1944 P. 1	
	imple i.	ng: ce of grading or building permit n 2081 permit for incidental bartment of Fish and Wildlife, t & 14 for the Eland 1 Solar site) ert tortoise exclusion fence to k ing habitat adjacent to the facilit	permits and within 14 days prior to the commencement of any ground-disturbing activities and during construction	U.S. Fish and Wildlife Service; and California Department of Fish and Wildlife, if necessary		
		construction, operations and maintenance, and dismantling and restoration (decommissioning) phases. The fencing type shall follow	Steps to Compliance: A This mitigation measures	is to Compliance: This mitioation measure shall he incornorated as a condition of annroval	on of annroval	
		wildlife Service. Desert tortoise-proof gates shall be established at all photovoltaic solar facility entry points. Workers installing the		The surveys shall be conducted in accordance with U.S. Fish and Wildlife Service protocol (USFWS, 2010).	S. Fish and W	'ildlife
		exclusion fencing shall have undergone the worker training program mandated in Mitigation Measure MM 4.3-3 and a biological monitor under the authority of the project Lead Biologist shall be present	C. Should desert tortoises be of consultation with U.S. Fish and W Fish and Wildlife shall commence.	observed during Vildlife Service and	preconstruction su l California Departm	surveys, tment of
	:::	during exclusion fencing installation. The fencing shall be inspected monthly and immediately after all maior rainfall events. Any damage to the fencing shall be repaired		The Authorized Biologist shall have the appropriate education and experience to accomplish biological monitoring and mitigation tasks.	cation and expe	erience
	iii.	immediately or no later than 2 days following the observation. Following the construction of desert tortoise exclusion fencing,	E. A Raven Management Plan sl consultation with the U.S. F Department of Fish and Wildlife.	A Raven Management Plan shall be developed for the project site in consultation with the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife.	the project site in vice and California	site in ifornia
		around the solar facility perimeter as described above, clearance surveys shall be conducted by the Lead Biologist to ensure that no desert tortoises or other listed wildlife species are trapped within the fenced area. The Lead Biologist may be assisted by biological monitors under the supervision of the Lead Biologist. Clearance	 F. Weekly inspection u predation on local predation is noted, t Department of Fish County Planning and 	Weekly inspection under all nests in the project area for evidence of raven predation on local wildlife (bones, carcasses, etc.), and, if evidence of predation is noted, the project proponent shall submit a report to California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and Kern County Planning and Natural Resources Department within five calendar days.	or evidence of and, if evider a report to Cal fe Service, and in five calendar	raven nce of ifornia I Kern r days.
		surveys snall addree to the current United Dates rule whome Service clearance survey protocols described in the Desert Tortoise Field Manual, including a minimum of two clearance passes to be completed after desert tortoise-proof fencing is installed, which shall	G. Evidence of the U.S. of Fish and Wildlife submitted to the Kerr	Evidence of the U.S. Fish and Wildlife Service and/or California Department of Fish and Wildlife determination and payment of any required fees shall be submitted to the Kern County Planning and Natural Resources Department.	California Depa required fees sl urces Departme	hall be but.
		coincide with heightened desert tortoise activity from late March through May and September through October.	H. Reports shall be su Department of Fish :	Reports shall be submitted to U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, and the Kern County Planning and Natural	e Service, Cal Planning and N	ifornia Vatural
	iv.	If a desert tortoise is found on the site during project construction or operations, active construction or operations shall cease in the vicinity of the animal and the desert tortoise shall be passively	Resources Department.	ıt.		
N.	unnleme	I TESUTICIEU TO LIFE ALEA ELICOLITIPASSILIE IIS OUSEIVEU PUSITIOII ULI ULV		Mitigation Measure Monitoring Program-DRAFT	Program-DRAFT	

Page 19 of 61

tton Measure Monitoring Frogram-גראר ו Board of Supervisors – April 9, 2019

Mitigati	tion Mo	Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project	Impact Report for El	and 1 Solar Project		
Impact		Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.3	Biolo	Biological Resources				
	vii. vii	construction site and its point of entry shall be determined if possible. The Lead Biologist shall install a temporary tortoise-proof fence around this area. Concurrent with this effort, United States Fish and Wildlife Service and California Department of Fish and Wildlife shall be consulted regarding any additional avoidance, minimization, or mitigation measures that may be necessary. Once the desert tortoise is observed leaving the site, work in the area can resume. A report shall be prepared by the Lead Biologist to document the activities of the desert tortoise within the site; all fence construction, modification, and repair efforts; and movements of the desert tortoise noce again outside the permanent tortoise-proof fence. This report shall be submitted to wildlife and resources Department. Outside permanently fenced desert tortoise exclusion areas, the project proponent/operator shall limit the areas of disturbance in desert tortoise habitat. Parking areas; new roads; pulling sites; and staging, storage, excavation, and disposal site locations shall be confined to the smallest areas possible. These areas shall be flagged and disturbance activities, vehicles, and equipment shall be confined to these flagged areas. The Lead Biologist or biological monitor shall monitor any ground- disturbance activities that occur outside the desert tortoise exclusion fencing. Work outside areas with desert tortoise exclusion fencing shall only occur during daylight hours. Prior to conducting brushing or grading activities to ensure that no desert tortoises are present. At the end of each work day, the Lead Biologist shall survey the area inmediately prior to conducting these activities to ensure that no desert tortoise and backfilled, if no tortoise is present. If backfilling is not feasible, these exarations shall be modified to ensure that desert tortoise and backfilled if no tortoise is present. If backfilling is and teamonth				
Sup	Ipplemen	olar Project		Mittigation Measure Monitoring Program-DRAFT	Program-DR	AFT
		17 J- 000	£ 2.1	Board of Supervisors – April 9, 2019	ors –April 9,	2019

Exhibit C

Page 20 of 61

Mitigati	ion Me	Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project	Impact Report for E	land 1 Solar Project		
Impact		Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.3	Biolo	Biological Resources			The second se	
		potentially entrap desert tortoises (e.g., equipped with desert tortoise escape ramps, covered to prevent desert tortoise access, enclosed with a desert tortoise exclusion fence).				
	viii.	Any construction pipe, culvert, or similar structure stored within desert tortoise habitat (i.e., outside areas with desert tortoise exclusion fencing) shall be inspected for desert tortoise before the material is moved, buried, or installed.				
	ix.	Water used for dust abatement shall be minimized, as allowed by Kern County, to prevent the formation of puddles that could attract common ravens and other desert tortoise predators to the site and nearby.				
	x.	No vehicle or equipment parked outside the fenced areas shall be moved prior to inspecting the ground beneath the vehicle or equipment for the presence of desert tortoise. If present, the desert tortoise shall be left to move on its own.				
	xi.	Vehicular traffic to and from the project site shall use existing routes of travel (e.g., SR 14). Cross country vehicle and equipment use outside designated work areas shall be prohibited. Vehicle speeds within the project site shall not exceed 25 miles per hour on roads within desert tortoise habitat.				
	xii.	All vehicles and equipment shall be in proper working condition to ensure that there is no potential for fugitive emissions of motor oil, antifreeze, hydraulic fluid, grease, or other hazardous materials. The Lead Biologist shall be informed of any hazardous spills within 24 hours. Hazardous spills shall be immediately cleaned up and the contaminated soil shall be properly disposed of at a licensed facility.				
	xiii.	A long-term trash abatement program shall be established for construction, operations, and decommissioning. Trash and food items shall be contained in closed containers and removed daily to reduce the attractiveness to opportunistic predators such as common ravens, coyotes, and feral dogs.				
	xiv.	Workers shall be prohibited from bringing pets and firearms to the project area and from feeding wildlife.				

Exhibit C

Page 21 of 61

Mitigati	Mitigation Measure Monitoring Program – Supplemental Environmenta	ental Environmental Impact Report for Eland 1 Solar Project	and 1 Solar Project	1	
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.3	Biological Resources				
	xv. Intentional killing or collection of either plant or wildlife species, including listed species such as desert tortoise, in the survey area and surrounding areas shall be prohibited. The Lead Biologist, wildlife and resource agency representatives and Kern County Planning and Natural Resources Department shall be notified within 24 hours of any such occurrences.				1
	xvi. Ongoing monitoring shall be conducted by either the Lead Biologist or by biological monitors under the Lead Biologist's supervision. The biological monitors shall have experience in monitoring for desert tortoise.				
	xvii. During construction daily monitoring reports shall be prepared by the monitoring biologists. The Lead Biologist shall prepare a summary monitoring report for the wildlife and resource agencies and Kern County Planning and Natural Resources Department on a monthly basis, documenting the effectiveness and practicality of the protection measures that are in place and making recommendations for modifying the measures to enhance species protection, as needed. The report would also provide information on the overall biological- resources-related activities conducted, including the worker awareness training, clearance/pre-activity surveys, monitoring activities, and any observed desert tortoise or other special-status species including injuries and fatalities.				
	xviii. The project proponent/operator shall develop a site-specific Common Raven Management Plan in accordance with United States Fish and Wildlife Service guidelines and shall implement management measures for ravens in the project area. These measures may include but are not limited to designing structures to eliminate perches, waste management, road kill management, management of ponded water during construction and operations, and nest removal on structures within the photovoltaic facility site and along the transmission line.				
#25	 MM 4.3-13: The project proponent/operator and /or contractor shall implement the following during Operation and Maintenance: Desert tortoise exclusion fencing and gates shall be maintained on a 	During project operations	Kern County Planning and Natural Resources Department; Kern County Public Works Department		
Ins	Supplemental Environmental Impact Report for Eland I Solar Project	17 97	Mitigation Measure Monitoring Program-DRAFT Board of Supervisors – April 9, 2019	g Program-DH sors –April 9,	2019

<u>Exhibit C</u>

Page 22 of 61

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Biological Resources Step regular basis. A 25-mile per hour speed limit shall be applied for travel during A maintenance activities. Travel shall be confined to existing roads and previously disturbed areas. Step • A 25-mile per hour speed limit shall be confined to existing roads and previously disturbed areas. Step • Desert tortors-proof secure gates shall be installed where access roads outside of the photovoltaic solar facility; no access roads outside of the photovoltaic solar facility shall be ferced. B. • Work occurring outside areas with desert tortoise exclusion fencing C, shall only occur during daylight hours. Duri applicable construction phase general protection measures shall be implement the following during project decommissioning: C. Implement the following during decommissioning: II. All applicable construction phase general protection measures shall be confined to existing roads and previously disturbed areas. B. III. A 25-mile per-hour speed limit decommissioning activities. Travel A shall be confined to existing roads and previously disturbed areas. B. III. A desert tortoise moves on its own outside of the own we shall be condiced until the desert tortoise exclusion fencing shall only occur during daylight hours. B. III. T a desert tortoise is detected in the work area. III. A. III. T a desert tortoise moves on its own outside of the work area. IV. III. T a desert tortoise sculation	Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Date Agency	e Initials
 regular basis. A 25-mile per hour speed limit shall be applied for travel during A. maintenance activities. Travel shall be confined to existing roads and previously disturbed areas. Desent tortoise-proof secure gates shall be installed where access roads enter the photovoltatic solar facility: no access roads outside of the photovoltatic solar facility in access roads outside of the photovoltatic solar facility in access roads outside of the photovoltatic solar facility in access roads outside of the photovoltatic solar facility in access roads outside of the photovoltatic solar facility in access roads outside of the photovoltatic solar facility shall be fenced. Work occurring outside areas with desert tortoise exclusion fencing C. shall only occur during daylight hours. MM 4.3-14: The project proponent/operator and /or contractor shall buring mement the following during project decommissioning: All applicable construction phase general protection measures shall be implemented during decommissioning. A 25-mile-per-hour speed limit on paved or stabilized unpaved roads shall be confined to existing roads and previously disturbed areas. Iii. A 25-mile-per-hour speed limit on paved or stabilized unpaved roads step shall be confined to existing roads and previously disturbed areas. Iii. If a desert tortoise is detected in the work area during decommissioning activities. In work outside areas with desert tortoise exclusion fencing shall only occur during daylight hours. MM 4.3-15: The following measures shall be implemented during project construction, operations, and decommissioning activities with respect to western burrowing owl survey of the permanent sector burrowing owl burrowing owl survey setter inducting addition addor priot of occus turtion induct pre-construction surveys of the permanent and the burrowing owl burrowing owl survey experience) shall conduct pre-construction surveys of the permanent and the	4.3	Biological Resources			
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MM 4.3-14: The project proponent/operator and /or contractor shall implement the following during project decommissioning: Interference				orks Department will verify in the field	during project
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 iv. Work outside areas with desert tortoise exclusion fencing shall only occur during daylight hours. MM 4.3-15: The following measures shall be implemented during project construction, operations, and decommissioning activities with respect to western burrowing owls. M A project Lead Biologist shall be onsite during all construction activities in potential burrowing owl habitat. A qualified wildlife biologist with previous burrowing owl survey experience) shall conduct pre-construction surveys of the permanent and temporary impact areas to locate active breeding or wintering burrowing owl burrowing owl burrowing owl survey activities in potential burrowing with previous burrowing owl survey activities of the permanent and temporary impact areas to locate active breeding or wintering hourrowing owl burrowing installation. The 		If a desert tortoise is detected in the work area decommissioning activities, no work shall be conducted u desert tortoise moves on its own outside of the work area.	B.	orks Department will verify in the field	during the
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Biologist shall be onsite during all construction detect that burrowing owl habitat. A qualified wildlife detect detect and burrowing owl survey conduct pre-construction surveys of the permanent pract areas to locate active breeding or wintering the active breeding the active breeding or wintering the active breeding the ac	#27	MM 4.3-15: The following measures shall be implemented during project construction, operations, and decommissioning activities with respect to western burrowing owls.	Prior to the issuance of grading permits and during construction	Kern County Planning and Natural Resources Department; California Department of Fish	
Ster A.		Biologist shall be onsite du ntial burrowing owl habitat. Iddlife biologist with previous	operations, and decommissioning activities	and Wildlife	
_		experience) shall conduct pre-construction surveys of the permanent and temporary impact areas to locate active breeding or wintering burrowing owl burrows no less than 14 days prior to construction and/or prior to desert tortoise exclusion fencing installation. The survey methodology shall be consistent with the methods outlined in	Steps to Compliance: A. Contract a qualified bi owl with 30 days prior B. If nests or burrowing o	ologist to perform pre-construction surv to the start of ground disturbing activiti owls are found, contract a qualified biolo	ey for burrowi ies. ogist to prepare

Page 23 of 61

Mitigati	Mitigation Measure Monitoring Program – Suppleme	oring Progran	n – Supplem	ental En	Exhibit C vironmental Imp	<u>Exhibit C</u> ntal Environmental Impact Report for Eland 1 Solar Project	and 1 Solar Project		
Impact	Mitigation Measure	Ire				Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.3	Biological Resources			和いた					
	 the California Departm 2012), and shall consis apart, adjusting for ve noting any potential 1 presence of burrowing tortoise pre-construction shall also look for signs of the survey results sl Fish and Wildlife an Resources Department. b) If no burrowing owls are if burrowing owls are of the CDFW Staff Repetted activities, shall be permoff from 656 feet to 1,640 if from 656 feet to 1,640 if from 656 feet to 1,640 if of disturbance. Buffers (see below) of the Stafformi through noninvasive me egg-laying and incubati are foraging independe Burrowing owls shall n the breeding season (Apply 100 burrowing owls shall burrowing owls shall be permoved by California through noninvasive me egg-laying and incubati are foraging independent. 	the California Department of Fish and Wildlife Staff Report (March 2012), and shall consist of walking parallel transects 7 to 20 meters apart, adjusting for vegetation height and density as needed, and noting any potential burrows with fresh burrowing owl sign or presence of burrowing owls (and may be combined with desert torroise pre-construction surveys). As burrows are searched, biologists shall also look for signs of American badger and desert kit fox. Copies of the survey results shall be submitted to California Department of Fish and Wildlife and the Kern County Planning and Natural Resources Department. If no burrowing owls are detected, no ground-disturbing activities, such as road construction or installation of solar arrays or ancillary facilities, shall be permitted within the distances specified in Table 2 of the CDFW Staff Report (see below) from an active burrow during the nesting and fledging seasons (April 1 to August 15 and August 16 to October 15, respectively, unless otherwise authorized by California Department of Fish and Wildlife. The specified buffer distance ranges from 656 feet to 1,640 feet, according to the time of year and the level of disturbance. Buffers shall be established in accordance with Table 2 (see below) of the Staff Report and occupied burrows shall not be disturbed during the nesting season unless a qualified biologist approved by California Department of Fish and Wildlife, verifies through noninvasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Burrowing owls shall not be moved or excluded from burrows during the breeding season (April 1 to October 15).	ish and Wildli king parallel tr king parallel tr with fresh bi (and may be s). As burrows rican badger an ubmitted to Ca Kern County Kern County ted, no further to Ca Kern County thin the distanc below) from a below) from a count-dis fillation of soli- thin the distanc below) from a e. The specified as otherwise a e. The specified ording to the tir established in a rt and occupied season unless trment of Fish hat either: (1) th i juvenies fror are capable o wed or exclude October 15).	ife Staff R ransects 7 ransects 7 density as uurrowing combined are search and desert k alifornia D Planning mitigation sturbing ac authorized d buffer di me of year authorized d buffer di me of year scordance d burrows is a qualif and Wilc he birds ha m the occu of findepenc ed from bu	Staff Report (March nsects 7 to 20 meters nsity as needed, and trowing owl sign or combined with desert re searched, biologists (desert kit fox. Copies ifornia Department of lanning and Natural urbing and Natural antigation is necessary. urbing activities, such a arrays or ancillary s specified in Table 2 scive burrow during gust 15 and August 16 thorized by California buffer distance ranges e of year and the level cordance with Table 2 burrows shall not be a qualified biologist and Wildlife, verifies burrows shall not be burrows shall not be a qualified biologist and Wildlife, verifies burrows during independent survival.	сі сі сі	site-specific recommendations. If necessary, implement site-specific recommendations under the guidance of a qualified biologist. Prior to issuance of grading permits, the applicant shall provide Kern County Planning and Natural Resources Department a biological report prepared by a qualified biologist as proof of pre-construction survey and, if necessary, successful completion of site-specific recommendations. During construction activities, monthly and final compliance reports shall be provided to California Department, and other applicable resource agencies documenting the effectiveness of mitigation measures and the level of burrowing owl take associated with the project.	under the gu provide Ker. Il report prer nd, if necess iance reports applicable ru easures and	idance of a n County ared by a shall be source the level of the level of
	Table 2: Burro	Table 2: Burrowing Owl Burrow Buffers (CD	ow Buffers (C	DFW Staf	FW Staff report)				
	Location	Time of year	Level of disturbance	urbance					
			Low Med	Medium High	sh				
	Nesting sites	April 1-Aug	656 ft 1640	ff	1640 ft				
Sul	Supplemental Environmental Impact Report for Eland I Solar Project	Imnact Renort for	Eland I Solar Pro	niect			Mitioation Measure Monitoring Program-DRAFT	~ Dro anom DI	ACT

Page 24 of 61

Mitigatio	n Measure N	Monito	Mitigation Measure Monitoring Program	1 1	plements	al Environment	Supplemental Environmental Impact Report for Eland 1 Solar Project	aland 1 Solar Project		18
Impact	Mitigation Measure	Measu	Le				Time Frame for Implementation	Responsible Monitoring Agency	g Date	Initials
4.3	Biological Resources	ources	109-13 AV							
			15							
	Nesting sites	5 sites	Aug 16-Oct 15	656 ft	656 ft	1640 ft				
	Any occupied burrow	p	Oct 16-Mar 31	164 ft	328 ft	1640 ft				
	c) During t consister disturbin 1,640 fa disturbar affected winter bi	the nor nt with ng worh eet froi nce. If : by gro urrows	During the nonbreeding (winter) season (October consistent with Table 2 (see above) of the Staff disturbing work shall maintain a distance ranging 1,640 feet from any active burrows depending disturbance. If active winter burrows are found that affected by ground-disturbing activities, owls can b winter burrows according to recommendations made	ter) seaso ta above) in a distar burrows urrows ar activities	un (October of the Staf nce ranging depending e found that i, owls can lations mad	During the nonbreeding (winter) season (October 16 to March 31), consistent with Table 2 (see above) of the Staff Report, ground-disturbing work shall maintain a distance ranging from 164 feet to 1,640 feet from any active burrows depending on the level of disturbance. If active winter burrows are found that would be directly affected by ground-disturbing activities, owls can be displaced from winter burrows according to recommendations made in the Burrowing		5		
	dwi Iviti d) Burrowi Burrowi and appi and Wil	ing owl: ing owl: roved t dlife of Resourc	Burrowing owls should not be excluded from b Burrowing owl Exclusion Plan is developed and approved by the applicable local Califorr and Wildlife office and submitted to the Kerr Natural Resources Department. The plan shall i	excluded excluded an is dev ole local (itted to th	from burro eloped by 1 California E a Kern Co	Burrowing owls should not be excluded from burrows unless or until a Burrowing owl Exclusion Plan is developed by the Lead Biologist and approved by the applicable local California Department of Fish and Wildlife office and submitted to the Kern County Planning and Natural Resources Department. The plan shall include, at a minimum:				
	i. Co bun ii. Ty	nfirm rrowing pe of	Confirm by site surveillance that the burrow(s) is empty burrowing owls and other species preceding burrow scoping; Type of scope and appropriate timing of scoping to a	llance tha r species propriate	പ് ല് പ	burrow(s) is empty of ng burrow scoping; of scoping to avoid	17 II			
	ini det shc loc no oo	impacts; Occupanc; determinal should be left the 1 monitored look for si	impacts; Occupancy factors to look for an determination of vacancy and excavation should be left in place 48 hours to ensur left the burrow before excavation, vii monitored for evidence that owls are insid look for sign immediately inside the door	look 1 y and exc: 8 hours to excavati hat owls a v inside th	look for and what sh and excavation timing (one- shours to ensure burrowing excavation, visited twice at owls are inside and can't inside the door).	impacts; Occupancy factors to look for and what shall guide determination of vacancy and excavation timing (one-way doors should be left in place 48 hours to ensure burrowing owls have left the burrow before excavation, visited twice daily and monitored for evidence that owls are inside and can't escape i.e., look for sign immediately inside the door).	ت ت ن ن ن			
	iv. Ho toc wh	ow the ols wit tenever	How the burrow(s) shall be excavated. tools with refilling to prevent reoco whenever possible (may include using burrow to prevent collansing until the	I be exca prevent include		How the burrow(s) shall be excavated. Excavation using hand tools with refilling to prevent reoccupation is preferable whenever possible (may include using piping to stabilize the burrow to prevent collansing until the entire burrow has been				
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Page 25 of 61

Mitigati	Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project	ll Impact Report for El	and 1 Solar Project		
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.3	Biological Resources				
	excavated and it can be determined that no owls reside inside the burrow);				
	v. Removal of other potential owl burrow surrogates or refugia onsite;				
	vi. Photographing the excavation and closure of the burrow to demonstrate success and sufficiency;				
	vii. Monitoring of the site to evaluate success and, if needed, to implement remedial measures to prevent subsequent owl use to avoid take;				
	viii. How the impacted site shall continually be made inhospitable to burrowing owls and fossorial mammals (e.g., by allowing vegetation to grow tall, heavy disking, or immediate and continuous grading) until development is complete.				
	e) Site monitoring is conducted prior to, during, and after exclusion of burrowing owls from their burrows sufficient to ensure take is avoided. Conduct daily monitoring for one week to confirm young of the year have fledged if the exclusion shall occur immediately after the end of the breeding season.				
	 Excluded burrowing owls are documented using artificial or natural burrows on an adjoining mitigation site (if able to confirm by band re-sight). 				
	g) In accordance with the Burrowing Owl Exclusion Plan a qualified wildlife biologist shall excavate burrows using hand tools. Sections of flexible plastic pipe or burlap bag shall be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow. One-way doors shall be installed at the				
	entrance to the active burrow and other potentially active burrows within 160 feet of the active burrow. Forty-eight hours after the installation of the one-way doors, the doors can be removed, and ground-disturbing activities can proceed. Alternatively, burrows can be filled to prevent reoccupation.				
	h) During construction activities, monthly and final compliance reports shall be provided to California Department of Fish and				
94					
Sul	Supplemental Environmental Impact Report for Eland I Solar Project		Mitigation Measure Monitoring Program-DRAFT Roard of Sumervisors – Anril 9, 2019	g Program-DI ors – Anril 9	2019
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Exhibit C

Page 26 of 61

Mitigat	Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project	l Impact Report for Ela	and 1 Solar Project		
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.3	Biological Resources	100 200 200 200 200			100
	Wildlife, the Kern County Planning and Natural Resources Department, and other applicable resource agencies documenting the effectiveness of mitigation measures and the level of burrowing owl take associated with the proposed project.				
#28	MM 4.3-16: a) Should burrowing owls be found on-site, compensatory mitigation for lost breeding and/or wintering habitat shall be implemented onsite or off-site in accordance with burrowing owl Staff Report guidance and in consultation with California Department of Fish and Wildlife. At a	During construction and 30 days prior to the start of ground disturbing activities	Kern County Planning and Natural Resources Department; California Department of Fish and Wildlife		
	 i. Temporarily disturbed habitat shall be restored, if feasible, to preproject conditions, including decompacting soil and revegetating. ii. Permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat shall be mitigated such that the habitat acreage, number of burrows and burrowing owl impacted are replaced based on a site-specific analysis and shall include: a) Permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non-breeding seasons) comparable to or better than that of the impact area, and with sufficiently large acreage, and presence of fossorial mammals. iii. Permanently protect mitigation land through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation bank, the project is located within the service area of a California Department of Fish and Wildlife approved burrowing owl conservation bank, the project proponent/operator may purchas available burrowing owl conservation bank credits. b) Develop and implement a mitigation land management plan in accordance with burrowing owl Staff Report guidelines to address 	 Steps to Computance: A. Contract a qualified biologist to owl with 30 days prior to the st owl with 30 days prior to the st if nests or burrowing owls are laste-specific recommendations. C. If necessary, implement site-specific dualified biologist. D. Prior to issuance of grading pelanning and Natural Resource qualified biologist as proof of pultified biologist as proof of pultivity. 	os to Computance: Contract a qualified biologist to perform pre-construction survey for burrowing owl with 30 days prior to the start of ground disturbing activities. If nests or burrowing owls are found, contract a qualified biologist to prepare site-specific recommendations. If necessary, implement site-specific recommendations under the guidance of a qualified biologist. Prior to issuance of grading permits, the applicant shall provide Kern County Planning and Natural Resources Department a biological report prepared by a qualified biologist as proof of pre-construction survey and, if necessary, successful completion of site-specific recommendations.	t survey for ctivities. biologist tu nder the gu rovide Kern report pref d, if necess	burrowing brepare idance of a ary, ary,
	i. Fund the maintenance and management of mitigation land through the establishment of a long-term funding mechanism				

Page 27 of 61

Mitigation Measure Monitoring Program-DRAFT Board of Supervisors – April 9, 2019

Mitigat	<u>EXILLUIL C</u> Mitigation Measure Monitoring Program - Supplemental Environmental Imp	<u>EXALLUTE</u> ntal Environmental Impact Report for Eland 1 Solar Project	and 1 Solar Project		
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.3	Biological Resources				
	 such as an endowment. ii. Habitat shall not be altered or destroyed, and burrowing owls shall not be excluded from burrows, until mitigation lands have been legally secured, are managed for the benefit of burrowing owls according to California Department of Fish and Wildlife-approved management, monitoring and reporting plans, and the endowment or other long-term funding mechanism is in place or security is provided until these measures are completed. iii. Mitigation lands should be on, adjacent or proximate to the impact site where possible and where habitat is sufficient to support burrowing owls present. iv. Consult with the California Department of Fish and Wildlife when determining off-site mitigation acreages. 				
#29	MM 4.3-17: Prior to issuance of grading or building permits: a) The project proponent/operator shall mitigate for permanent impacts to suitable desert tortoise and Mohave ground squirrel habitat, should an Incidental Take Permit be required from CDFW, through an approved mitigation bank, or in-lieu fee program. Compensatory mitigation	Prior to site plan approvals and issuance of grading or building permits	Kern County Planning and Natural Resources Department; California Department of Fish and Wildlife; Regional Water Quality Control Board		
	 acreage for permanent impacts to western burrowing owl nesting, occupied, and satellite burrows and/or western burrowing owl habitat shall be determined and acquired in consultation with the wildlife or resource agency. Compensatory mitigation lands purchased may provide habitat for all three species, as well as rare plants and State Waters (only if impacted by the project). Verification of compliance shall be submitted to the Kern County Planning and Natural Resources Department. b) Prepare a Habitat Mitigation and Monitoring Plan (if required, should an Incidental Take Permit be required for the project) that outlines all project compensatory mitigation for desert tortoise, western burrowing owl and Mohave ground squirrel, in coordination with the California Department of Fish and Wildlife, and the Regional Water Quality Control Board. 	 Steps to Compliance: A. The project proponent/operator shall mitigate tortoise, Mohave ground squirrel, and wester through an approved mitigation bank, or in-l B. Verification of compliance shall be submitte Natural Resources Department. C. The project proponent/operator shall prepare Monitoring Plan, if required, that outlines miground squirrel, and western burrowing owl. D. The project proponent/operator shall coordin of Fish and Wildlife, and the Regional Water Habitat Mitigation and Monitoring Plan. 	eps to Compliance: The project proponent/operator shall mitigate for permanent impacts to desert tortoise, Mohave ground squirrel, and western burrowing owl nesting habitats through an approved mitigation bank, or in-lieu fee program. Verification of compliance shall be submitted to the Kern County Planning and Natural Resources Department. The project proponent/operator shall prepare a Habitat Mitigation and Monitoring Plan, if required, that outlines mitigation for desert tortoise, Mohave ground squirrel, and western burrowing owl. The project proponent/operator shall coordinate with the California Department of Fish and Wildlife, and the Regional Water Quality Control Board on the Habitat Mitigation and Monitoring Plan.	the impacts to owl nesting ham. County Plan Cianty Plan tigation and lesert tortoise california De trol Board ou trol Board ou	desert abitats , Mohave partment i the

Mitigation Measure Monitoring Program-DRAFT Board of Supervisors – April 9, 2019

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4.3	Biological Resources				
	 iost, and preferably shall be located in the vicinity of the site. lost, and preferably shall be permanently preserved through a conservation easement. iii. The Plan shall identify conservation actions to ensure that the compensatory lands are managed to ensure the continued existence of the species. iv. The Plan shall identify an approach for funding assurance for the long term management of the conserved land. 				
#30	 MM 4.3-18: Prior to the issuance of grading or building permit the following shall be implemented: i. Not more than 14 days prior to site clearing, a qualified biologist shall conduct a preconstruction avian nesting survey. Copies of the completed surveys shall be submitted to Kern County Planning and Natural Resources Department. ii. Surveys shall not be conducted for the entire project site at one time; they shall be phased so that surveys occur shortly before that portion of the site is disturbed. The surveying biologist must be qualified to determine the species, status, and nesting stage without causing intrusive disturbance. The survey shall cover all reasonably potential nesting locations on and within 250 feet of the project site—this includes ground nesting species. iii. If construction is scheduled to occur during the non-nesting season (August 2 to January 31), no preconstruction surveys or additional measures are required. iv. If construction begins in the non-breeding season and proceeds continuously into the breeding season, no surveys are required. iv. If active nests are found a 250-foot, no-disturbance buffer (or as photower, if there is a break of 14 days or more in construction fish and Wildlife) shall be breeding season, a new nesting bird survey shall be created around disturbance is cycheduled to non-the struction begins again. 	Prior to site planapprovals and issuanceKern County Plannof grading or buildingNatural Resourcesof grading or buildingCalifornia Departupermitsand Wildlife, if necSteps to Compliance:and Wildlife, if necA. The project proponent/operator shall ensureconducted by a qualified biologist, or provicB. If active nests are found, a qualified biologirecommendations.C. The project proponent/operator shall submitcounty Planning and Natural Resources Department of compliance.	Prior to site plan Kern County Planning and approvals and issuance approvals and issuance Natural Resources Department; of grading or building California Department of Fish and Wildlife, if necessary Premits California Department of Fish and Wildlife, if necessary A. The project proponent/operator shall ensure that a pre-construction survey is conducted by a qualified biologist, or provide evidence of a waiver issued by California Department of Fish and Wildlife. B. If active nests are found, a qualified biologist shall implement site specific recommendations. C. The project proponent/operator shall submit a copy of the report to the Kern of compliance. of compliance.	astruction su fa waiver is ment site sp report to th eview and v	rvey is sued by ccific e Kern erification
S.	Supplemental Environmental Impact Report for Eland I Solar Project		Mitigation Measure Monitoring Program-DRAFT Board of Supervisors – April 9, 2019	g Program-D) sors -April 9.	<u>2019</u>
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Page 29 of 61

Implementation Time Frame for Implementation Responsible Monitoring Agency Date Initials 4.3 Biological Resource Agency Responsible Monitoring Date Initials 4.3 Biological Resource Agency Responsible Monitoring Date Initials 4.3 Biological Resource All victing tobs used in project construction, such as solar mounts acapted at the finite circing poils are in the area tilter by completed at the finite circing poils are in the area tilter by carea the implementation Agency Responsible Monitoring Date Initials 831 MM 4.3-19 Print to he summer by capted at the time tupy are installed to avoid the emportant and death of specificants briter Prior to site phin Kern Compty Planning and Ament Resources Department. Date Initials 831 MM 4.3-19 Prior to he summer of grading or building permits following shall be explored or standard the emportant and death of specificants briter Prior to size the prior or grading or building permet. Date Initials 831 In entries and standard the conducted by a qualified biologist to perform Pre-scalary for the standard of the scalars of standard the scalars of standard the scalars or grading or building permits. Standard biolicits for excalars, for construction survey shall be conducter alow specified and standard the conoperation and stand	intal Environmental Impact Report for Eland 1 Solar Project	
Biological Resources Biological Resources Biological Resources occur, the project proponent/operator shall avoid the area either by delaying ground disturbance in the area until a qualified wildlife biologistin the project component(s) to avoid the area. wi. All vertical tubes used in project construction, such as solar mounts and chain link fareing poles shall be temporarily or permanently capped at the time they are installed to avoid the entrapment and death of special-status birds. MM 43-19: Prior to the issuance of grading or building permit the following shall be implemented: Prio In Preconstruction surveys shall be conducted by a qualified biologist for the presence of American badger or desert kit fox dens prior to installation of desert tortoise exclusion fencing. Copies of the completed surveys shall be conducted in areas of suitable habitat for American badger and desert kit fox or Northern harrier, which Stering includes fallow agricultural land and scrub habitats. If no potential American badger or desert kit fox or Northern harrier, which stering ad Natural Resources Department. B. In Previound badger and desert kit fox or Northern harrier, which stering ad Natural Resources Department. B. In Protential dates are observed, the following measures are required to avoid potential dynaming and Natural Resources of American badger or desert kit fox dens are present, no further mitigation is required. B. In Protential dates are observed, the following measures are required to avoid potential adverse effects to American badger or desert kit fox dens are present. B.	Responsible Monitoring Agency	Date Initials
 occur, the project proponent/operator shall avoid the area either by delaying ground disturbance in the area until a qualified wildlife biologist has determined that the birds have fledged or by re-locating the project component(s) to avoid the area. wi. All vertical tubes used in project construction, such as solar mounts and chain link frencing poles shall be temporarily or permanently capped at the time they are installed to avoid the entrapment and death of special-status birds. MM 4.3-19: Prior to the issuance of grading or building permit the following shall be implemented: Price following shall be implemented: Preconstruction surveys shall be conducted by a qualified biologist for the presence of American badger or desert for Kern County Planning and Natural Resources Department. The survey shall be conducted in areas of suitable habitat for American badger and desert kit fox or Nonthern harrier, which Step installation of desert kit fox or Nonthern harrier, which Step includes fallow agricultural land and scrub habitats. If no potential A American badger and desert kit fox dens are present, no further mitigation is required. If potential adverse effects to American badger and desert kit fox dens are present, no further mitigation is required. If potential adverse effects to American badger are observed, the following measures are required to avoid potential adverse effects to American badger and desert kit fox dens are present, no further mitigation is required. If potential adverse effects to American badger are deserved, the following measures are required to avoid potential adverse effects to American badger and desert kit fox dens are bravely shall be prohibited during the pupping season, which is shovel to prevent badgers or foxes from re-use during biologist determines that potential dens are biologist shall excavate these dens by hand with a shovel to prevent badgers or foxes from re-use during biologist determines t		
MM 4.3-19: Prior to the issuance of grading or building permit the following shall be implemented: Prior i. Preconstruction surveys shall be conducted by a qualified biologist for the presence of American badger or desert kit fox dens prior to installation of desert tortoise exclusion fencing. Copies of the completed surveys shall be submitted to Kern County Planning and Natural Resources Department. Prior ii. The survey shall be conducted in areas of suitable habitat for American badger and desert kit fox or Northern harrier, which includes fallow agricultural land and scrub habitats. If no potential American badger or desert kit fox dens are present, no further mitigation is required. B. iii. If potential dens are observed, the following measures are required to avoid potential adverse effects to American badger and desert kit fox. C. iii. If potential adverse effects to American badger and desert kit fox: C. iii. If potential dens are observed, the following measures are required to avoid potential adverse effects to American badger and desert kit fox: C. iii. If potential adverse effects to American badger and desert kit fox: C. iii. If potential dens are observed, the following measures are required to avoid potential dens are observed, the following measures are required to avoid potential adverse effects to American badger and desert kit fox: C. iii. If potential dens are observed, the following measures are required to avoid potential adverse effects to American badger and desert kit fox: D. iiiiiiii for the evologist shall excavate these d		
 Ine survey snall be conducted in areas of suitable havitat to American badger and desert kit fox or Northern harrier, which Step includes fallow agricultural land and scrub habitats. If no potential A. American badger or desert kit fox dens are present, no further mitigation is required. If potential dens are observed, the following measures are required to avoid potential adverse effects to American badger and desert kit fox: a. If the qualified biologist determines that potential dens are inactive, the biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel to prevent badgers or foxes from re-use during construction. b. Passive relocation shall be prohibited during the pupping season, which is February 15 to June 1 for both species. If the qualified biologist determines that potential dens shall be biologist shall constructed and biologist shall be prohibited during the pupping season, which is February 15 to June 1 for both species. If the qualified biologist determines that potential dens shall be biologist shall be prohibited during the pupping season, which is February 15 to June 1 for both species. If the qualified biologist determines that potential dens outside the breeding season may be active, the biologist shall notify the California Department of Fish and Wildlife. Entrances to the dens shall be hocked with one-way doors or soil, sticks, and debris for three to 		
inactive, the biologist shall excavate these dens by hand with a biovel to prevent badgers or foxes from re-use during construction. Passive relocation shall be prohibited during the pupping season, which is February 15 to June 1 for both species. If the qualified biologist determines that potential dens outside the breeding season may be active, the biologist shall notify the California Department of Fish and Wildlife. Entrances to the dens shall be F.	d biologist to perform pre-construction ger. pleted surveys shall be submitted to K rces Department. contract a qualified biologist to monite acencies to discuss and develon reloc	l survey for kit fox ern County Planning r and excavate dens ation ontions.
E. Passive relocation shall be prohibited during the pupping season, which is February 15 to June 1 for both species. If the qualified biologist determines that potential dens outside the breeding season may be active, the biologist shall notify the California Department of Fish and Wildlife. Entrances to the dens shall be F. blocked with one-way doors or soil. sticks, and debris for three to	ement relocation options under the gui	lance of a qualified
њ	f grading or building permits, provide prepared by a qualified biologist as pı y and, if necessary, monitoring, excav	Kern County Planning oof of pre- ating, and kit fox
five days to discourage use of these dens prior to project	IC Works Department will verify escal containers in the field during the cons	ie ramps, capping, and truction period.

Page 30 of 61

Mitigation Measure Monitoring Program-DRAFT Board of Supervisors – April 9, 2019

Impact Mitigation Measure 4.3 Biological Resources 4.3 Biological Resources disturbance. incrementally After the qua have stopped dens shall be during construction shall not occ Department o on □ call through with fox wande c. Construction badger dens california De badger dens measures to a d. Construction kit fox dens california De badger dens measures to a d. Construction	easure urces the den entrances shall be blocked to an				
	. The den entrances shall be blocked to	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
disturb increm After 1 have s have s during shall 1 bepart on □ca kit fox badget measu during c. Constr badget neasu kit fox kit fox	The den entrances shall be blocked to	の言語のないないない			
	y greater degree over the three- to five-day perivalified biologist determines that badgers and fox d using active dens within the project boundary, to be hand-excavated with a shovel to prevent re- truction. The collapsing of active desert kit fox de ccur without prior consultation with the Californ of Fish and Wildlife. A biologist shall rema bughout construction in the event a badger or des ers onto the site. a activities shall not occur within 50 feet of acti- beartment of Fish and Wildlife immediately if na are detected to determine suitable buffers and oth avoid take. a activities shall not occur within 100 feet of act n activities shall not occur within 100 feet of act avoid take. are detected to determine suitable buffers and oth avoid take. are detected to determine suitable buffers and oth avoid take.		×		
#32 MM 4.3-20: Pr Raven Managen consultation wit Department of F to:	MM 4.3-20 : Prior to the issuance of a final certificate of occupancy, a Raven Management Plan shall be developed for the project site in consultation with the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife. This plan shall include but is not limited to:	Prior to the issuance of a final certificate of occupancy	Kern County Planning and Natural Resources Department; U.S. Fish and Wildlife Service and California Department of Fish and Wildlife		
 i. Identification construction; ii. Weekly inspection desert tortois predation is and Wildlife Planning and days; and iii Provisions for 	Identification of all raven nests within the project area during construction; Weekly inspection under all nests in the project area for evidence of desert tortoise predation (scutes, shells, etc.), and, if evidence of predation is noted, submit a report to California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and Kern County Planning and Natural Resources Department within five calendar days; and	Steps to Compliance: A. The project proponent County Planning and I B. The operator shall con to the Kern County Pla appropriate wildlife ag	os to Compliance: The project proponent/operator shall submit copies of the plan to the Kern County Planning and Natural Resources Department. The operator shall conduct weekly inspections and submit results of monitoring to the Kern County Planning and Natural Resources Department and the appropriate wildlife agencies for review and verification of compliance.	e plan to the nit results of partment and 1 of complia	Kern monitoring the ce.

Page 31 of 61

Mitigat	Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project	l Impact Report for Ela	ind 1 Solar Project		
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.3	Biological Resources				
	ravens during the construction and operation phases of the project. iv. Should the U.S. Fish and Wildlife Services determine it is necessary for the proposed project to participate in the regional comprehensive raven management plan, to address biological resources; the project proponent/operator shall be subject to compensation through the payment of fees not to exceed \$150 per disturbed acre. Evidence of the U.S. Fish and Wildlife Service and/or California Department of Fish and Wildlife determination and payment of any required fees shall be submitted to the Kern County Planning and Natural Resources Department.				
#33	MM 4.3-21: If required (i.e., if California Department of Fish and Wildlife jurisdictional streambed is impacted by the project), prior to issuance of a grading or building permit for that component of the project that would directly impact a California Department of Fish and Wildlife jurisdictional	Prior to issuance of grading or building permits	Kern County Planning and Natural Resources Department; California Department of Fish and Wildlife, if necessary		
	area, the project proponent/operator shall provide evidence to the Kern County Planning and Natural Resources Department that a Section 1600 Streambed Alteration Agreement has been obtained from California Department of Fish and Wildlife.	te l	os to Compliance: This mitigation measure shall be incorporated as a condition of approval for any site plan review.	ition of appre	val for
		 B. The project proponent Streambed Alteration Resources Departmen 	The project proponent/operator shall submit a copy of the Section 1600 Streambed Alteration Agreement to the Kern County Planning and Natural Resources Department verification of compliance.	te Section 16 anning and N	00 atural
#34	 MM 4.3-22: The following measures shall be implemented within the project area to ensure that direct or indirect effects to riparian habitat and jurisdictional waters are minimized: Any laydown areas and/or material and spoils from project activities shall be located away from inrisdictional areas or sensitive habitat and 	During construction	Kern County Planning and Natural Resources Department; Regional Water Quality Control Board; California Department of Fish and Wildlife		
	protected from stormwater run off using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and straw bale barriers, as appropriate.	A. The project proponent ensure that direct or in are minimized.	The project proponent/operator shall implement the mitigation, as identified, to ensure that direct or indirect effects to riparian habitat and jurisdictional waters are minimized.	igation, as id nd jurisdictic	entified, to nal waters
	 Materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage from contaminating the ground and generally at least 50 feet from the top of bank. Any emillage of material shall be storned if it can be done safely. The 		The project proponent/operator shall ensure construction within washes occurs during the dry season (generally April 15 – October 15) and shall avoid periods in the summer.	and shall av	ies occurs bid periods
0	Ally splittage 01 Illaterial sitali of support it it can be used support. And	C. It required, the project	It required, the project proponent/operator shall ensure a ratio no less than 1.1. Mitigation Measure Monitoring Program-DRAFT	a ratio no le g Program-DF	SS UNAR 1.1 AFT
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Page 32 of 61

MILLIGAL	Mitigation Measure Monitoring Program – Supplemental Environmental	ntal Environmental Impact Report for Eland 1 Solar Project	and 1 Solar Project	
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date Initials
4.3	Biological Resources			
	contaminated area shall be cleaned and any contaminated materials properly disposed of. For all spills the project foreman or designated environmental representative shall be notified.	for compensatory mitigation for Arizol to the jurisdiction of California Del Regional Water Quality Control Board	na-style crossings, partment of Fish	within waters subject and Wildlife or the
	• All work within the washes shall be conducted to avoid periods of flowing water. Construction within washes shall be timed to occur during the dry season (generally April 15 – October 15), to the maximum extent feasible, and shall avoid periods in the summer when		As stated in MM 4.3-17, if required, the project proponent/operator shall prepare a Habitat Mitigation and Monitoring Plan that outlines the compensatory mitigation in coordination with the Regional Water Quality Control Board and California Department of Fish and Wildlife.	proponent/operator shall Plan that outlines the Regional Water Quality Wildlife.
	 If required, compensatory mitigation for Arizona-style crossings, within waters subject to the jurisdiction of California Department of Fish and Wildlife or the Regional Water Quality Control Board, shall occur either on-site or offsite at a ratio no less than 1:1. As outlined in Mitigation Measure MM 4.3-17, if required, a Habitat Mitigation and Monitoring Plan shall be prepared that outlines the compensatory mitigation in coordination with the Regional Water Quality Control Board and California Department of Fish and Wildlife. 	E. Copies of correspond Control Board and Ca submitted to the Kerr	Copies of correspondences and determinations by the regional water Quarity Control Board and California Department of Fish and Wildlife shall be submitted to the Kern County Planning and Natural Resources Department	diffe shall be urces Department
22	• If mitigation is required and onsite mitigation is proposed, the Habitat Mitigation and Monitoring Plan shall identify those portions of the site that contain suitable characteristics (e.g., hydrology) for restoration or enhancement of desert wash scale broom scrub habitat. Determination			
	of mitigation adequacy shall be based on comparison of the restored or enhanced habitat with similar, undisturbed habitat in the site vicinity (such as up or downstream of the site). If mitigation is implemented offsite, mitigation lands shall be comprised of similar or more			
54	ih and preferably be locate. iffsite land shall be pre: d the Plan shall identify long□term management			
	Copies of correspondences and determinations by the Regional Water Quality Control Board and California Department of Fish and Wildlife shall be submitted to the Kern County Planning and Natural Resources Department. It is noted that the final mitigation ratio required by the RWOCB and California Department of Fish and Wildlife for acquisition			

Page 33 of 61

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Mitigati	Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project	al Impact Report for Ela	ind 1 Solar Project	
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Date Agency	Initials
4.3	Biological Resources			
	of regulatory permits may differ from that proposed in this environmental impact report.			
#35	MM 4.3-23: Prior to issuance of a grading or building permit, the project proponent/operator shall provide evidence that the following measures will be implemented with respect to the construction and installation of power lines:	Prior to issuing of grading and building permits and during construction	Kern County Planning and Natural Resources Department; Kern County Public Works Department - Development Review	
	 b) Consultation Committee Guidelines specifications to protect birds from linteraction Committee Guidelines specifications to protect birds from electrocution and collision. Appropriate notes regarding these specifications shall be included on any grading permit, building permit or final map. b) Submit written documentation to the Kern County Planning and Natural Resources Department verifying that all power lines are constructed to 	Stel A.	bs to Compliance: The project proponent/operator shall submit written documentation to the Kem County Planning and Natural Resources Department showing that all power lines are constructed to 2006 Avian Power Line Interaction Committee Guidelines.	ion to the Kern at all power mittee
	Avian Power Line Interaction Committee Guidelines. The project proponent/operator shall conform to the latest practices (as outlined in the 2006 Avian Power Line Interaction Committee Guidelines document) to protect birds from electrocution and collision.	ങ് ഗ്	The project proponent/operator shall install power collection and transmission facilities utilizing Avian Power Line Interaction Committee standards for collision reducing techniques. The Kern County Public Works Department - Development Review will verify	l transmission dards for iew will verify
	c) Install power collection and transmission facilities utilizing Avian Power Line Interaction Committee standards for collision reducing techniques as outlined in Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 2006 (Avian Power Line Interaction Committee, 2006).	in the field during construction.	struction.	
#36	 MM 4.3-24: Prior to the issuance of grading or building permits, the Project proponent/operator shall: a) Provide evidence to the Kern County Planning and Natural Resources Department that consultation with the Kern County Agricultural 	Prior to site plan approvals and issuance of grading or building permits	Kern County Planning and Natural Resources Department; Kern County Agricultural Commissioner	
	Commissioner has taken place regarding removal of plants protected under the California Desert Native Plants Act; b) If the Agricultural Commissioner determines that a permit is not required, the project proponent/operator shall provide a letter describing the consultation process and Commissioner's determinations, indicating that such authorization is not required. The letter shall also identify the	Ster A. B.	ss to Compliance: This mitigation measure shall be incorporated as a condition of approval for any site plan review. The project proponent/operator shall consult with the Kern County Agricultural Commissioner about the removal of plants under the California Desert Native	approval for nty Agricultural Desert Native
Su	Supplemental Environmental Impact Report for Eland I Solar Project		Mitigation Measure Monitoring Program-DRAFT	n-DRAFT

Board of Supervisors - April 9, 2019

Page 34 of 61

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4.3	Biological Resources				
	Commissioner's points of contact and contact information; c) If required by the Agricultural Commissioner, the Project proponent/operator shall provide evidence to the Kern County Planning and Natural Resources Department that a California Desert Native Plant removal permit has been obtained.	Plants Act and submit e required by the Commi Resources Department.	Plants Act and submit evidence of the Commissioner's determinations, if required by the Commissioner, to the Kern County Planning and Natural Resources Department.	stermination ing and Nat	s, if ıral

Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final SEIR to the extent feasible.

Supplemental Environmental Impact Report for Eland I Solar Project

Page 35 of 61

Mitigation Measure Monitoring Program-DRAFT Board of Supervisors – April 9, 2019

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Impact	Impact Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials

4.4	Cultural Resources		
#37	MM 4.4-1: Prior to issuance of grading permits, the project proponent/operator shall: a) Retain a qualified archaeologist, defined as an archaeologist meeting the	Prior to issuance of grading permits and during construction	Kern County Planning and Natural Resources Department
		Steps to Compliance: A. Documentation that a monitor have been rets pround-disturbing acti	os to Compliance: Documentation that a qualified archaeological monitor and Native American monitor have been retained by the project proponent/operator to monitor initial pround-districtions activities shall be submitted to the Kern County Planning
	b) The services of a qualified archaeological monitor and Native American monitor shall be retained by the project proponent/operator to monitor all ground-disturbing activities associated with the construction of the proposed project. The Native American monitor shall be selected from a list of Native American contracts with traditional ties to the project area	 B. If cultural Resources Department. B. If cultural materials or artifacts are qualified archaeologist and Native <i>i</i> recommend procedures. 	If cultural Resources Department. If cultural materials or artifacts are discovered, halt all work and contact a qualified archaeologist and Native American monitor to assess finds and recommend procedures.
	provided by the Native American Heritage Commission and/or consultation with Native American tribal groups who may have interest in the project area. The archaeological monitor shall work under the	 C. If necessary, implement qualified archaeologist D. Prior to final tract or p 	If necessary, implement recommended procedures in consultation with qualified archaeologist and Native American monitor. Prior to final tract or parcel map recordation, provide Kern County Planning
	c) The qualified archaeologist, archaeological monitor and Native American monitor shall be provided all project documentation related to	qualified archaeologist successful completion	qualified archaeologist as proof of pre-construction survey and, if necessary, successful completion of site-specific recommendations.
	cultural resources prior to commencement of ground disturbance activities. Project documentation shall include but not be limited to		
	previous cultural studies, surveys, maps, drawings, etc. Any modifications or updates to project documentation, including construction plans and schedules, shall immediately be provided to the qualified archaeologist, archaeological monitor and Native American monitor.		
#38	MM 4.4-10: Prior to the issuance of grading or building permits, and for the duration of construction activities, a Construction Worker Environmental and Cultural Awareness Training Program shall be provided to all new	Prior to issuance of grading or building permits	Kern County Planning and Natural Resources Department
	construction workers within one week of employment at the project site, laydown area and/or transmission routes. The training shall be prepared and conducted by the qualified archaeologist and may include participation of the Native American Monitor. The training may be in the form of a video. The qualified archaeologist shall be available to answer questions posed by	Stel A. B.	ps to Compliance: A qualified archaeological monitor and Native American monitor shall be retained by the project proponent/operator to conduct training. A copy of the Construction Worker Environmental and Cultural Awareness
	Supplemental Environmental Impact Report for Eland I Solar Project	-	Mitigation Measure Monitoring Program-DRAFT Board of Supervisors – April 9, 2019
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Page 36 of 61

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 Cultural Resources Cultural Resources Cultural Resources completed or suspended, but must resume when construction activities resume. The training shall include, but not be limited to: A discussion of applicable cultural resources statues, regulations and related enforcement provisions; A discussion of applicable cultural resources statues, regulations and crelated enforcement provision; A discussion of applicable cultural resources statues, regulations and crelated enforcement provision; A summary of the effects of the proposed project on cultural resources; two such as current cultural information regarding local tribal groups, provided by the Native American Monitor or tribal leader; A sumples or visuals of artifacts that might be found in the project area; A sumples or visuals of artifacts may look like when partially or totally buried and then freshly exposed; A discussion of what such artifacts may look like when partially or totally buried and then freshly exposed; A discussion of what prehistoric and historic archaeological deposits look like at the surface and when exposed during construction; A discussion of what prehistoric and historic archaeologist he erobachedical monitor and/of Native American monitor; shall be into determined whether the find is culturally sensitive, and designs an appropriate sported to that or redirect ground-disturbing activities away from the vicinity of the site until the qualified archaeologist has evaluated the find, determined whether the find is cultural resources. An acknowledgement form signed by carchaeologist has evaluated the find, determined whether the find is cultural resources are uncarthed during ground-disturbing activities away from the vicinity of the site until the qualified archaeologist has archaeologist in consultation models that induction and long term treatment plan. An acknowledgement form signed by each worker indic	Impact		Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
ground disturbance is onstruction activities itues, regulations and conmental setting and regarding local tribal or tribal leader; in the project area; in the project area; are unearthed during archaeologist, the archaeologist, the archaeologist, the archaeologist an archaeologist an archaeologist an archaeologist an archaeologist an archaeologist or ing procedures in the infified archaeologist or are unearthe worker has orker indicating that d.	4.4	Cultural Resources	のないのないない			
thues, regulations and commental setting and regarding local tribal or tribal leader; in cultural resources; in the project area; ike when partially or chaeological deposits onstruction; are unearthed during archaeologist, the in monitor shall be activities away from ogist has evaluated the sistive, and designs an resitive, and designs an intenance; ing procedures in the infified archaeologist or lified archaeologist or orker indicating that d. ng that the worker has construction workers and ing that the worker has construction workers		employees. The training may be discontinued when ground disturbance is completed or suspended, but must resume when construction activities resume. The training shall include, but not be limited to:		d the acknowledgement form signed mmental/ cultural training has been o n County Planning and Natural Reso	I by each we completed s ources Depa	orker shall be rtment
onmental setting and regarding local tribal or tribal leader; in cultural resources; in the project area; ke when partially or chaeological deposits onstruction; are unearthed during and archaeologist, the in monitor shall be activities away from gist has evaluated the activities away from gist has evaluated the activities away from off has evaluated the activities away from archaeologist, the in monitor shall be activities away from archaeologist, the in monitor shall be activities away from off has evaluated the activities away from archaeologist, the infiled archaeologist or orker indicating that d. mg that the worker has construction workers		i. A discussion of applicable cultural resources statues, regulations and related enforcement provisions;			a	
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activities away from setive, and designs an it plan. The qualified and Natural Resources and Natural Resources and Satural Resources and Natural Resources		Instruction that in the event cultural resources are unearthed du ground-disturbing activities, the qualified archaeologist,				
 Plan. The qualified In Natural Resources In Natural Resources In Natural Resources Intenance; In		empowered to halt or redirect ground-disturbing activities away from the vicinity of the site until the qualified archaeologist has evaluated the				
stablish an appropriate s during construction intenance; ing procedures in the lified archaeologist or orker indicating that d. ng that the worker has construction workers ect Mitigation M		find, determined whether the find is culturally sensitive, and designs an appropriate short-term and long term treatment plan. The qualified archaeologist in consultation with the Planning and Natural Resources				
ing procedures in the lified archaeologist or orker indicating that d. ng that the worker has Construction workers ect Mitigation M		Department and Native American Monitor shall establish an appropriate protocols and procedures for minimizing impacts during construction and future impacts during project operation and maintenance:				
lified archaeologist or orker indicating that d. ing that the worker has Construction workers ect Mitigation M						
orker indicating that d. ng that the worker has Construction workers ect Mitigation M						
ng that the worker has Construction workers ect Mitigation M		An acknowledgement form signed by each worker indicating environmental/ cultural training has been completed.				
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	N.	upplemental Environmental Impact Report for Eland I Solar Project	_	Mitigation Measure Monitoring	g Program-Dl	RAFT

Page 37 of 61

INILIGAL	Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project	l Impact Report for El	and 1 Solar Project		
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.4	Cultural Resources				(Selection)
	shall not be permitted to operate equipment within the construction area unless they have attended the training and are wearing hard hats with the required sticker; xii. A copy of the training transcript and/or training video, as well as a list of the names of all personnel who attended the training and copies of the signed acknowledgement forms shall be submitted to the Kern County Planning and Natural Resources Department.				
#39		During grading and construction	Kern County Planning and Natural Resources Department		
	ground disturbing activities within 100 feet of the find until it can be evaluated by the qualified archaeologist. Cultural resource materials may include, but are not limited to, prehistoric lithic artifacts, groundstone, fire- affected rock, midden (culturally-modified soil), historic-era household debris, ceramics, industrial materials, glass, metal, wood, brick, or structural remnants. If the qualified archaeologist determines that the resources may be significant, he or she shall notify the Planning and Natural Resources Department and shall develop an appropriate treatment plan for the resources. Treatment measures may include avoidance, preservation, removal, data recovery, protection, or other measures developed in consultation with the Planning and Natural Resources Department. Avoidance or preservation in place shall be the preferred means of mitigating impacts to cultural resources. The Planning and Natural Resources lif the resources are prehistoric or Native American representatives in determining appropriate treatment for unearthed cultural resources if the resources are prehistoric or Native American resources if the resources are prehistoric or Native American for unearthed cultural resources if the resources are prehistoric or Native American for unearthed cultural resources if the resources are prehistoric or Native American for unearthed at an accredited curational facility, if curation is deemed appropriate. A curation agreement between the project proponent/operator and accredited curation agreement between the project proponent/operator and accredited	 Steps to Compliance: A. This mitigation measure shall be ir any site plan review. B. The project proponent/operator she grading and other earth-disturbing resources, to assess finds and reconce. C. The Kern County Planning and Na approve all reports, correspondenc resources prepared by the qualified D. Kern County Building Inspectors v and during the construction period 	us to Compliance: This mitigation measure shall be incorporated as a condition of approval for any site plan review. The project proponent/operator shall retain a qualified archaeologist to monitor grading and other earth-disturbing activities and, if activities uncover historical resources, to assess finds and recommended procedures. The Kern County Planning and Natural Resources Department shall review and approve all reports, correspondence, and determinations regarding historical resources prepared by the qualified archaeologist. Kern County Building Inspectors will verify compliance in the field prior to and during the construction period	ion of appro chaeologist t tries uncover regarding his in the field _F	val for o monitor historical storical orior to
#40	Prior to issuance of a grading permit, a paleontolog ring and mitigation plan (PRMMP) shall be prepared. provide detailed recommended monitoring locations	Prior to issuance of grading permits and during construction	Kern County Planning and Natural Resources Department		
	description of a worker training program; detailed procedures for monitoring, fossil recovery, laboratory analysis, and museum curation; and	Steps to Compliance:			

Page 38 of 61

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	Mitigation Measure	Time Frame for Implementation	itoring	Date	Initials
Ĕ	Cultural Resources				
чаоды цалы чолы маналына чарына талалына талалына талалына таланына талалына таланына таланына таланына талалын	notification procedures in the event of a fossil discovery by a paleontological monitor or other project personnel. As part of the PRMMP, a curation agreement with LACM or another accredited repository shall be obtained, or alternatively, this requirement shall be specific in the PRMMP to address any discovery of subsequent curation of paleontological resources. It is recommended that construction excavations that disturb Pleistocene sediments be monitored by a professional paleontologist. Further, all excavations in all locations of the project site mapped as Quaternary older alluvial deposits (Qoa) shall be initially monitored to determine whether project excavations will disturb Pleistocene-age sedimentary deposits. Areas mapped as Quaternary alluvial deposits (Qa) shall be spot-checked during excavations that exceed depths of 5 feet to check for underlying, paleontologically-sensitive Pleistocene-age sedimentary deposits. If older deposits are observed, full time monitoring shall be implemented in these areas. If it is determined that only Quaternary alluvial deposits (Qa), quartz monzonite, and/or artificial fill is impacted, the paleontological monitoring program shall be reduced or suspended. Any subsurface bones or potential fossils that are unearthed during construction shall be evaluated by a professional paleontologist as described in PRMMP.	 A. This mitigation measi any site plan review. B. The project proponen monitoring and mitig measure. C. If necessary, the project paleontologist to asse paleontologist to asse D. If necessary, addition excavations shall occ E. The Kern County Pla and approve all report and approve all report 	This mitigation measure shall be incorporated as a condition of approval for any site plan review. The project proponent/operator shall prepare a paleontological resource monitoring and mitigation plan (PRMMP) as identified in the mitigation measure. If necessary, the project proponent/operator shall retain a qualified paleontologist to assess finds and recommended procedures. If necessary, additional avoidance, testing, and evaluation or data recovery excavations shall occur by a qualified paleontologist. The Kern County Planning and Natural Resources Department shall review and approve all reports, correspondence, and determinations.	ion of appro ogical resoun n the mitigat res. n or data rec tment shall 1 ons.	val for ce on cery eview
#41 P	MM 4.4-14: If human remains are uncovered during project construction, the project proponent/operator shall immediately halt work, contact the Kern	During construction	Kern County Planning and Natural Resources Department		
し ひ x に a d C ご ひ g	County Coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.5 (e)(1) of the CEQA Guidelines. The Kern County Planning and Natural Resources Department shall also be notified of the discovery. If the County Coroner determines that the remains are Native American, the project proponent/operator shall contact the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by AB 2641). Per Public Resources Code 5097.98, the project proponent/operator shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where	 Steps to Compliance: A. This mitigation measure shall any site plan review. B. If required, the project proponassess the find. C. If required, the County Corone Commission to assess the find D. The Kern County Planning and 	s to Compliance: This mitigation measure shall be incorporated as a condition of approval for any site plan review. If required, the project proponent/operator shall contact the County Coroner to assess the find. If required, the County Coroner shall contact the Native American Heritage Commission to assess the find. The Kern County Planning and Natural Resources Department shall verify	tion of appr he County C American H tment shall	val for oroner to eritage verify

Page 39 of 61

on Measure Monitoring Program-DRAF 1 Board of Supervisors – April 9, 2019 Exhibit C

D	Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project	l Impact Report for El	and 1 Solar Project		
Impact	Impact Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.4	Cultural Resonances				
5	the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section (PRC 5097.98), with the most likely descendent regarding their recommendations, if applicable, taking	compliance with the mitigation measure.	nitigation measure.		

Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final SEIR to the extent feasible.

Supplemental Environmental Impact Report for Eland I Solar Project

Page 40 of 61

Mitigation Measure Monitoring Program-DRAFT Board of Supervisors – April 9, 2019

Mitigati	Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project	Impact Report for Ela	nd 1 Solar Project		
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring D	Date	Initials
4.5	Geology and Soils		上でないのないのないない	が表	
#42	MM 4.5-1 : Prior to the issuance of grading permits, the project proponent/operator shall retain a qualified geotechnical engineer to design the project facilities to withstand probable seismically induced ground shaking at the sites. All grading and construction on site shall adhere to the	Prior to issuing building and grading permits, and during grading and construction	Kern County Planning and Natural Resources Department Kern County Public Works Department		
	specifications, procedures, and site conditions contained in the fund design plans, which shall be fully compliant with the seismic recommendations of the California-registered professional engineer. The procedures and site conditions shall encompass site preparation, foundation specifications, and	Steps to Compliance: A. Provide Kern County F of the geotechnical rep	os to Compliance: Provide Kern County Public Works Department - Development Review a copy of the geotechnical report prior to issuance of building and grading permits.	ment Revie grading pe	sw a copy rmits.
	protection measures for buried metal. The final structural design shall be subject to approval and follow-up inspection by the Kern County Public Works Department. Final design requirements shall be provided to the onsite construction supervisor and the Kern County Building Inspector to ensure	 B. Provide the constructio geotechnical report and conditions in the geote Building Code. 	Provide the construction supervisor and building inspector with the geotechnical report and adhere to all specifications and procedures and site conditions in the geotechnical report or, if more stringent, the California Building Code.	with the predures an the Califor	d site nia
	compliance. A copy of the approved design shall be submitted to the Kern County Planning and Natural Resources Department.	C. If the project is altered soils engineer to review	If the project is altered from what is described in the report, contact a qualified soils engineer to review and reevaluate the changes.	t, contact a	qualified
		 If the building inspecto compliance with the ge contact a qualified spec changes and verify that plan, the geotechnical 	If the building inspector finds site preparation or construction activities out of compliance with the geotechnical report or the California Building Code, contact a qualified special investigator to review all grading, construction, and changes and verify that all changes are in accordance with approved grading plan, the geotechnical report, and recognized principles and practices.	ion activiti Building Co ig, construc approved § d practices	es out of ode, tion, and grading
		 E. If necessary, provide s engineer of record, the review by Kern Count 	If necessary, provide site investigative reports prepared by the applicant's engineer of record, the geotechnical engineer, and the special investigator for review by Kern County Public Works Department.	the applicatial investig	int's çator for
		F. If necessary, provide K and Kern County Publ the soils engineer's rev review.	If necessary, provide Kern County Planning and Natural Resources Department and Kern County Public Works Department with evidence of compliance with the soils engineer's review and reevaluation and/or the special investigator's review.	tesources D of complis ccial investi	epartment ince with gator's
#43	MM 4.5-2: The project proponent/operator shall limit grading to the minimum area necessary for construction. The operator shall retain a California registered professional engineer to review the final grading earthwork and foundation plans prior to construction.	Prior to approval of grading and building plans and during grading	Kern County Planning and Natural Resources Department; Kern County Public Works Department		
		Steps to Compliance:			
Su	Supplemental Environmental Impact Report for Eland I Solar Project		Mitigation Measure Monitoring Program-DRAFT Board of Supervisors – April 9, 2019	Program-DR rs -April 9, 2	<u>AFT</u> 2019

Exhibit C

Page 41 of 61

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C. D. D. D. MM 4.5-3: The project proponent/operator shall prepare a Soil Erosion and Sedimentation Control Plan to mitigate potential loss of soil and erosion. The plan shall be prepared by a California registered civil engineer or other professional and submitted for review and approval by the Kern County public Works Department. The plan shall include, but is not limited to, the following: i. Best Management Practices to minimize soil erosion consistent with Kern County grading requirements and the California Regional Water Quality Control Board requirements and the California Regional Water Quality Control Board requirements and the California Regional Water Quality Control Board requirements and the California Regional Water Quality Control Board requirements and the California Regional Water Quality Control Board requirements and the California Regional Water Quality Control Board requirements and the California Regional Water Quality Control Board requirements and the California Regional Water Quality Control Board requirements and the California Regional Water Quality Control Board requirements and the California Regional Water Quality Control Board requirements and the California Regional Water Quality Control Board requirements and the California Regional Water Quality Control Board requirements and the Kern County Public Works Department shall be reviewed for applicability); ii. Provisions to maintain flow in washes, should it occur, throughout construction; iii. Provisions for site revegetation using native plants; iv. Sediment collection facilities as may be required by the Kern County Engineering and Survey Services Department; iv. A timetable for full implementation, estimated costs, and a survey 				re shall be incorporated as a conditi Voperator shall limit grading in the g	ion of approv grading plan	val for s as
D. MM 4.5-3: The project proponent/operator shall prepare a Soil Erosion and Sedimentation Control Plan to mitigate potential loss of soil and erosion. The plan shall be prepared by a California registered civil engineer or other professional and submitted for review and approval by the Kern County Public Works Department. The plan shall include, but is not limited to, the following: i. Best Management Practices to minimize soil erosion consistent with Kern County grading requirements and the California Regional Water Quality Control Board requirements pertaining to the preparation and approval of a Stormwater Pollution Prevention Plan (Best Management Practices recommended by the Kern County Public Works Department shall be reviewed for applicability); A. ii. Provisions to maintain flow in washes, should it occur, throughout construction; C. iii. Provisions for site revegetation using native plants; C. w. Sediment collection facilities as may be required by the Kern County Engineering and Survey Services Department; C.				tion. Voperator shall have a California reg grading earthwork and foundation p ed in mitigation.	gistered prof	essional
 E MM 4.5-3: The project proponent/operator shall prepare a Soil Erosion and Sedimentation Control Plan to mitigate potential loss of soil and erosion. The plan shall be prepared by a California registered civil engineer or other plan professional and submitted for review and approval by the Kern County Public Works Department. The plan shall include, but is not limited to, the following:				Ilic Works Department - Developme Natural Resources Department shall ng and grading permits.	ent Review a Il review and	nd Kern approve
MM 4.5-3: The project proponent/operator shall prepare a Soil Erosion and Sedimentation Control Plan to mitigate potential loss of soil and erosion. The plan shall be prepared by a California registered civil engineer or other public Works Department. The plan shall include, but is not limited to, the following:Principal and erosion.Principal grad grad A.i.Best Management Practices to minimize soil erosion consistent with Kern County grading requirements and the California Regional Water Quality Control Board requirements pertaining to the preparation and approval of a Stornwater Pollution Prevention Plan (Best Management Practices recommended by the Kern County Public Works Department flow in washes, should it occur, throughout construction;C.ii.Provisions to maintain flow in washes, should it occur, throughout construction;C.iii.Provisions for site revegetation using native plants;M.iii.Provisions for site revegetation using native plants;Y.iii.Provisions for site revegetation using native plants;Y.iii.Provisions for site revegetation using native plants;Y.				Voperator shall provide copies of the tion plans to the Kern County Plann t for verification and compliance.	e final gradir ning and Natı	ıg ural
 blic Works Department. The plan shall include, but is not limited to, the step lowing: Best Management Practices to minimize soil erosion consistent with Kern County grading requirements and the California Regional Water Quality Control Board requirements pertaining to the preparation and approval of a Stormwater Pollution Prevention Plan (Best Management Practices recommended by the Kern County Public Works Department shall be reviewed for applicability); Provisions to maintain flow in washes, should it occur, throughout construction; Provisions for site revegetation using native plants; Sediment collection facilities as may be required by the Kern County Engineering and Survey Services Department; A timetable for full implementation, estimated costs, and a surety 		.5-3: The project proponent/operator shall prepare a Soil Erosion and entation Control Plan to mitigate potential loss of soil and erosion. an shall be prepared by a California registered civil engineer or other sional and submitted for review and approval by the Kern County	Prior to approval of grading and building plans and during grading	Kern County Planning and Natural Resources Department; Kern County Public Works Department		
Kern County grading requirements and the California Regional Water Quality Control Board requirements pertaining to the preparation and approval of a Stormwater Pollution Prevention Plan (Best Management Practices recommended by the Kern County Public Works Department shall be reviewed for applicability); Provisions to maintain flow in washes, should it occur, throughout construction; Provisions for site revegetation using native plants; Provisions for site revegetation using native plants; Sediment collection facilities as may be required by the Kern County Engineering and Survey Services Department; A timetable for full implementation, estimated costs, and a surety	Public follow i.	Works Department. The plan shall include, but is not limited to, the ing: Best Management Practices to minimize soil erosion consistent with	Steps to Compliance: A. This mitigation measu any site nlan review	rre shall be incorporated as a conditi	tion of approv	val for
 Works Department shall be reviewed for applicability); Provisions to maintain flow in washes, should it occur, throughout construction; Provisions for site revegetation using native plants; Sediment collection facilities as may be required by the Kern County Engineering and Survey Services Department; A timetable for full implementation, estimated costs, and a surety 		rading requirements and the California Regional of Board requirements pertaining to the preparatic a Stormwater Pollution Prevention Plan Practices recommended by the Kern County		t/operator shall have a California reg grading earthwork and foundation p ed in mitigation.	gistered prof plans prior to	essional)
Provisions for site revegetation using native plants; Rediment collection facilities as may be required by the Kern County Engineering and Survey Services Department; A timetable for full implementation, estimated costs, and a surety	ц:	Works Department shall be reviewed for applicability); Provisions to maintain flow in washes, should it occur, throughout		lic Works Department - Developme Natural Resources Department shall ng and grading permits.	ent Review a Il review and	nd Kern approve
Sediment collection facilities as may be required by the Kern (Engineering and Survey Services Department; A timetable for full implementation, estimated costs, and a	III.	Provisions for site revegetation using native plants;)	, ,	5	
A timetable for full implementation, estimated costs, and a	iv.	Sediment collection facilities as may be required by the Kern County Engineering and Survey Services Department;		Ϋ́.		
bond or other security as approved by the County; and	v	ed costs, and a nty; and				

Mitigation Measure Monitoring Program-DNAAF 1 Board of Supervisors –April 9, 2019

Page 42 of 61

Mitigat	Mitigation Measure Monitoring Program – Supplemental Environmental Imp	ntal Environmental Impact Report for Eland 1 Solar Project	and 1 Solar Project		
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.5	Geology and Soils				
	vi. Other measures required by the County during permitting, including long-term monitoring (post-construction) of erosion control measures until site stabilization is achieved.				
#45	MM 4.5-4: The project proponent/operator shall conduct grading activities pursuant to Kern County Grading Ordinance, Chapter 17.28 and as follows: i. Grade sites near slopes and embankments in a way that would prevent or minimize erosion damage to the slope;	During grading and construction	Kern County Planning and Natural Resources Department; Kern County Public Works Department		
	ii. Seed or otherwise revegetate complete slopes;	Steps to Compliance:			
	iii. On steeper slopes, including wash embankments as necessary, use mulching or biodegradable erosion control blankets as appropriate to	A. This mitigation measu any site plan review.	This mitigation measure shall be incorporated as a condition of approval for any site plan review.	ion of approv	al for
	stabilize the topsoil until vegetation can be reestablished; and iv. On slopes where unusual flow conditions (e.g., flooding) are	B.	The project proponent/operator shall limit grading in the grading plans as outlined in the mitigation.	grading plans	as
	expected, employ more substantial erosion protection measures such as grouted cobble slope facings or manufactured slope protection.		The project proponent/operator shall have a California registered professional engineer review final grading earthwork and foundation plans prior to construction as outlined in mitigation.	gistered profe plans prior to	essional
		D. The project proponent earthwork and founda Resources Departmen	The project proponent/operator shall provide copies of the final grading earthwork and foundation plans to the Kern County Planning and Natural Resources Department for verification and compliance.	e final gradin ning and Natu	g Iral
		E. Kern County Public V construction period	Kern County Public Works Department will verify in the field during the construction period	field during t	the
#46	MM 4.5-5: Prior to the issuance of any building permit for the operation and maintenance facility, the project proponent/operator shall obtain all required permits and approvals from Kern County Environmental Health Services Division, and shall implement all required conditions regarding the design and siting of the septic system and leach fields.	Prior to issuing of building permits	Kern County Planning and Natural Resources Department; Kern County Environmental Health Services Division		
		Steps to Compliance:	P. (
		A. Plans for septic system shall be submi Health Services Division for approval.	Plans for septic system shall be submitted to the Kern County Environmental Health Services Division for approval.	unty Environ	mental
		 B. Project proponent/ope the septic system to th Department 	Project proponent/operator shall submit final approved plans and permits for the septic system to the Kern County Planning and Natural Resources Department	lans and perm al Resources	its for
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Page 43 of 61

Board of Supervisors - April 9, 2019

Mitigati	<u> Mitigation Measure Monitoring Program – Supplemental Environmenta</u>	ental Environmental Impact Report for Eland 1 Solar Project	and 1 Solar Project		
Impact	Impact Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.5	Geology and Soils				アイスのため

Exhibit C

Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final SEIR to the extent feasible.

Mitigation Measure Monitoring Program-DRAFT Board of Supervisors - April 9, 2019

Supplemental Environmental Impact Report for Eland I Solar Project

Page 44 of 61

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Mitigation Measure Monitoring Program-DRAFT Board of Supervisors – April 9, 2019

Page 45 of 61

Mitigati	Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project	l Impact Report for Ela	nd 1 Solar Project		
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring D Agency	Date Ini	Initials
4.7	Hazards and Hazardous Materials				
#47	 MM 4.7-1: Prior to the issuance of grading or building permits, the project proponent shall prepare a Hazardous Materials Business Plan and submit it to the Kern County Environmental Health Services Division/Hazardous Materials Section for review and approval. 1. The Hazardous Materials Business Plan shall: a. Delineate hazardous material and hazardous waste storage areas; 	Prior to issuance of grading or building permits, during operation	Kern County Planning and Natural Resources Department Kern County Environmental Health Services Division/Hazardous Materials Section		
	b. Describe proper handling, storage, transport, and disposal	Steps to Compliance:			
	techniques;	A. This mitigation measu	This mitigation measure shall be incorporated as a condition of approval.	n of approval.	
	c. Describe methods to be used to avoid spills and minimize impacts in the event of a spill;	B. The project proponent Kern County Enviror	The project proponent shall submit a Hazardous Materials Business Plan to the Kern County Environmental Health Services Division/Hazardous Materials	Business Plan Hazardous Ma	to the terials
	d. Describe procedures for handling and disposing of unanticipated		approval.		
	e. Establish public and agency notification procedures for spills and other emergencies including fires.; and	C. The project proponent shall provide the all contractors working on the proje available at the project site at all times.	The project proponent shall provide the hazardous materials business plan to all contractors working on the project and shall ensure that one copy is available at the project site at all times.	als business p e that one co	ian to
	f. Include procedures to avoid or minimize dust from existing residual pesticide and herbicide use that may be present on the site.	D. A copy of the approve to the Kern County Pla	A copy of the approved Hazardous Materials Business Plan shall be submitted to the Kern County Planning and Natural Resources Department.	n shall be subi ment.	mitted
	2. The project proponent/operator shall provide the Hazardous Materials Business Plan to all contractors working on the project and shall ensure that one copy is available at the project site at all times.	E. Submit final hazard Environmental Health review and approval.	Submit final hazardous material business plan to the Kern County Environmental Health Services Department/Hazardous Materials Section for review and approval.	the Kern C faterials Section	County tion for
	3. A copy of the approved Hazardous Materials Business Plan shall be submitted to the Kern County Planning and Natural Resources Department.				
#48	MM 4.7-2: Herbicides should not be used without approval by the Kern County Planning and Natural Resources Department and California Department of Fish and Wildlife.(RTC-3/4/19) The contractor or project personnel shall use herbicides that are approved by the California	Prior to construction	Kern County Planning and Natural Resources Department.; Kern County Environmental Health Services Division		

Exhibit C

Supplemental Environmental Impact Report for Eland I Solar Project

Page 46 of 61

fitigati	Mitigation Measure Monitoring Program - Supplemental Environmenta	ntal Environmental Impact Report for Eland 1 Solar Project	and 1 Solar Project		
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date In	Initials
4.7	Hazards and Hazardous Materials		ALL CALLES	Same a	
	Department of Fish and Wildlife and U.S Fish and Wildlife Service. Personnel applying herbicides shall have all appropriate state and local herbicide applicator licenses and comply with all state and local regulations regarding herbicide use. Herbicides shall be mixed and applied in conformance with the manufacturer's directions. The herbicide applicator shall be equipped with splash protection clothing and gear, chemical resistant gloves, chemical spill/splash wash supplies, and material safety data sheets for all hazardous materials to be used. To minimize harm to wildlife, vegetation, and water bodies, herbicides shall not be applied directly to wildlife; products identified as non-toxic to birds and small mammals shall be used if nests or dens are observed; and herbicides shall not be applied if it is raining at the site, rain is imminent, or the target area has puddles or standing water. Herbicides shall not be applied when wind velocity exceeds 10 miles per hour. If spray is observed to be drifting to a non target location, spraying shall be discontinued until conditions causing the drift have abated. (RIC-3/4/19)	 Steps to Compliance: A. This mitigation measure shall be in any site plan review. B. The project proponent/operator sha during construction and operations. C. The Kern County Environmental H compliance and licenses. D. Evidence of compliance shall be su Natural Resources Department. 	s to Compliance: This mitigation measure shall be incorporated as a condition of approval for any site plan review. The project proponent/operator shall use herbicides as described in mitigation during construction and operations. The Kern County Environmental Health Services Division shall verify compliance and licenses. Evidence of compliance shall be submitted to the Kern County Planning and Natural Resources Department.	on of approval cribed in miti§ 1 shall verify unty Planning	l for gation ; and
#49	MM 4.7-3: In the event that suspect asbestos-containing materials are uncovered during project construction, work at the project sites shall	Prior to construction	Kern County Planning and Natural Resources Department		
	y halt and a qualified hazardo nd brought to the project sites t terials. All potentially friable a d in accordance with Federa missions Standards for Hazardd disturbance that may disturb hall be undertaken in accorda Health Administration standar Code of Regulations, Section asbestos. Materials containing to South Coast Air Quality to South Coast Air Quality egulations so that construction egulations so that construction	 Steps to Compliance: A. This mitigation measure shall b any site plan review. B. If necessary, the project propon professional to assess potential C. Evidence of compliance shall b Natural Resources Department. 	bs to Compliance: This mitigation measure shall be incorporated as a condition of approval for any site plan review. If necessary, the project proponent/operator shall retain a hazardous material professional to assess potential asbestos-containing materials. Evidence of compliance shall be submitted to the Kern County Planning and Natural Resources Department.	on of approva hazardous mat ials. ounty Planning	ll for terial 3 and

Page 47 of 61

Board of Supervisors - April 9, 2019

Mitigati	Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project	l Impact Report for El	and 1 Solar Project		
Impact	Impact Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.7	Hazards and Hazardous Materials				
	MM 4.7-4: Prior to issuance of grading or building permits or any ground disturbance activities on Site 5, the project proponent shall:	A. This mitigation measu site plan review.	A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.	on of appro	val for any
	a) Collect representative samples of soils on Site 5. Phase II soil testing is recommended at Site 5 to determine residual herbicide and pesticide chemicals from agricultural activities; and	B. If necessary, the proje professional to assessC. Evidence of compliant	 B. If necessary, the project proponent/operator shall retain a hazardous material professional to assess potential asbestos-containing materials. C. Evidence of compliance shall be submitted to the Kern County Planning and 	hazardous r ials. vunty Planni	naterial ing and
	b) Phase II soil testing for the area of the former UST, current AST, and hazardous storage area located at Site 5 to evaluate the potential for impacts to the subsurface from these features.	Natural Resources Department.	artment.		
	A copy of the Phase II testing and a report of the results and any required remediation shall be submitted to the Kern County Environmental Health Services Division/Hazardous Materials Section as well as Kern County Planning and Natural Resources Department. Any additional required investigation or remediation shall be performed in accordance with applicable laws under the oversight of the jurisdictional agencies.				
Justification: Chaithe extent feasible.	Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final SEIR to the extent feasible.	luce the potentially signific	ant environmental effects identified	l in the final	SEIR to

Mitigation Measure Monitoring Program-DRAFT Board of Supervisors – April 9, 2019

Page 48 of 61

Mitigati	Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project	l Impact Report for Ela	nd 1 Solar Project		
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring D Agency	Date	Initials
0	II. d. and and Modern Outsider.				
4.0	Hydrology and water Quality				
#50	MM 4.8-1: Prior to issuance of a grading permit, the project proponent/operator shall submit a Stormwater Pollution Prevention Plan and applicable permits shall be obtained from the Lahontan Regional Water Quality Control Board (RWQCB) for the project to the Kern County	Prior to issuance of grading permit	Kern County Planning and Natural Resources Department; Kern County Public Works Department		
	Planning and Natural Resources Department that specifies best management practices to prevent all construction pollutants from contacting stormwater, with the intent of keeping sedimentation or any other pollutants from moving off-site and into receiving waters. The requirements of the	Steps to Compliance: A. This mitigation measu any site plan review.	s to Compliance: This mitigation measure shall be incorporated as a condition of approval for any site plan review.	n of appro	/al for
			The project proponent/operator shall submit a Stormwater Pollution Prevention Plan (SWPPP) that specifies Best Management Practices.	Pollution P	revention
	a) <u>Mow (rather than clear and grub the entire site) existing vegetation in all</u> areas of the projects site where practicable; (RTC-3/4/19)	 U. THE NEHL COUNTY END review and approve th D Conies of approval SV 	The Neth County Engineering, out veying and retrine Services Drivision static review and approve the Stormwater Pollution Prevention Plan. Conies of annroval SWPPP shall be submitted to Keth County Planning and	lan. Ianinty Planni	name no
	b) Stockpiling and disposing of demolition debris, concrete, and soil properly;		bartment.	,)
	c) Installation of a stabilized construction entrance/exit and stabilization of disturbed areas;				
	d) Implementing erosion controls;				_
	 e) Properly managing construction materials; f) Proper protections for fueling and maintenance of equipment and vehicles; and 				
	g) Managing waste, aggressively controlling litter, and implementing sediment controls.				
#51	MM 4.8-2: Prior to issuance of a grading permit, the project operator shall prepare a drainage plan that is designed to minimize runoff and surface water pollution and will include engineering recommendations to minimize the potential for impeding or redirecting 100-year flood flows. The final design of the solar arrays shall include one-foot of freeboard clearance	Prior to issuance of grading permit	Kern County Public Works Department - Development Review; Kern County Planning and Natural Resources Department		
	between the bottom of the solar panel and the calculated maximum flood depths Site grading shall be designed to prevent increasing the existing 100- year water surface elevations more than one foot or as required by Kern County's Floodplain Ordinance. <u>Additionally, the drainage plan shall</u>	Steps to Compliance: A. This mitigation measu any site plan review.	os to Compliance: This mitigation measure shall be incorporated as a condition of approval for any site plan review.	on of appro	val for
Suj	Supplemental Environmental Impact Report for Eland I Solar Project		Mitigation Measure Monitoring Program-DRAFT Board of Sumervisors - Anril 9 2019	rogram-DR/ s – Anril 9–2	VFT 019

Exhibit C

Page 49 of 61

Board of Supervisors - April 9, 2019

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	51

Mitigati	Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project	l Impact Report for El	and 1 Solar Project		-
Impact	Impact Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.8	Hydrology and Water Quality				
	include a plan for the disposal of drainage waters originating onsite and from adjacent road-right-of-ways (if required). (RTC-3/4/19)The drainage plan shall be prepared in accordance with the Kern County Grading Code, Kern County Hydrology Manual and policies related thereto and approved by the Kern County Engineering, Surveying and Permit Services Department.	 B. The project proponen County Public Works C. A copy of the approvi Planning and Natural 	 B. The project proponent/operator shall provide drainage plans to the Kern County Public Works Department for review and approval. C. A copy of the approved drainage plan shall be submitted to the Kern County Planning and Natural Resources Department. 	is to the Ke I. 5 the Kern (county
Justification: Chai the extent feasible.	Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final SEIR to the extent feasible.	uce the potentially signific:	int environmental effects identified in	n the final S	EIR to

Page 50 of 61

Mitigati	Mitigation Measure Monitoring Program - Supplemental Environmental	ental Environmental Impact Report for Eland 1 Solar Project	nd 1 Solar Project	
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Date In Agency	Initials
4.9	Land Use and Planning			
#52	MM 4.9-1: Prior to issuance of any building permit, the project operator shall provide <u>a Decommission Plan</u> for review and approval by the Kern County <u>Planning</u> <u>and Natural Resources Department Engineering</u> . Surveying, and <u>Permit Services</u> <u>Department or a County contracted consulting firm at a cost to be borne by the provisity experiments</u> .	Prior to issuance of building permits	Kern County Planning and Natural Resources Department; Kern County Public Works Department	
	remove the solar panels and support structures, replacement of any disturbed soil from removal of support structures, and control of fugitive dust on the remaining undeveloped land. Salvage value for the solar panels and support structures shall be included in the financial assurance calculations. The assumption, when preparing the estimate, is that the project proponent/operator is incapable of performing the work or has abandoned the solar facility, thereby-requiring Kern County to hire an independent contractor to perform the decommissioning work. In addition to submitting a Decommission Plan, the project proponent/operator shall post or establish and maintain financial assurances with Kern County related to the deconstruction of the site as identified on the approved Decommission Plan in the event that at any point in time the project proponent/operator determines it is not in the company's best interest to operate the facility. The financial assurance required prior to issuance of any building permit shall be established using one of the following: a) An irrevocable letter of credit; b) A surety bond; c) A trust fund in accordance with the approved financial assurances to guarantee the deconstruction work will be completed in accordance with the approved decommission plan; or d) Other financial assurances as reviewed and approved by the respective County administrative offices, in consultation with the Kern County Planning and ministrative offices, in consultation with the Kern County Planning and ministrative offices in consultation with the Kern County Planning and ministrative offices in consultation with the Kern County planning assurances as reviewed and approved by the respective	 Steps to Compliance: A. This mitigation measure shall b any site plan review. B. Prior to issuance of any building provide a Decommission Plan f Public Works Department - Detonsulting firm at a cost to be b C. The project proponent/operator submit the appropriate financial Natural Resources Department. 	s to Compliance: This mitigation measure shall be incorporated as a condition of approval for any site plan review. Prior to issuance of any building permit, the project proponent/operator shall provide a Decommission Plan for review and approval by the Kem County Public Works Department - Development Review or a County-contracted consulting firm at a cost to be borne by the project proponent/operator. The project proponent/operator shall prepare a decommissioning plan and submit the appropriate financial assurances to the Kem County Planning and Natural Resources Department.	l for shall nty d g and
	The financial institution or Surety Company shall give the County at least 120 days notice of intent to terminate the letter of credit or bond. Financial assurances shall be reviewed annually by the Kern County Public Works Department - Development Services or County-contracted consulting firm(s) at a cost to be borne by the project proponent/operator to substantiate			
Sul	Supplemental Environmental Impact Report for Eland I Solar Project		Mitigation Measure Monitoring Program-DRAFT Board of Sumervisors - Anril 9, 2019	۲ o

<u>Exhibit C</u>

Page 51 of 61

Board of Supervisors - April 9, 2019

Mitigatic	Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project	Impact Report for Ela	nd 1 Solar Project		
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.9	Land Use and Planning				
	those adequate funds exist to ensure deconstruction of all solar panels and support structures identified on the approved Decommission Plan. Should the project proponent/operator deconstruct the site on their own, the County will not pursue forfeiture of the financial assurance. Once deconstruction has occurred, financial assurance for that portion of the site will no longer be required and any financial assurance posted shall be adjusted or returned accordingly. Any funds not utilized through decommission of the site by the County shall be returned to the project proponent/operator. Should any portion of the solar field not be in operational condition for a consecutive period of twelve 12 months that portion of the site shall be deemed abandoned and shall be removed within sixty (60) days from the date a written notice is sent to the property owner and solar field owner, as well as the project proponent/operator, by the County. Within this sixty (60) day period, the property owner, solar field owner, or project proponent/operator may provide the director of the Kern County Planning and Natural Resources Director shall consider any such request at a Director's Hearing as provided for in Section 19.102.070 of the Kern county Zoning Ordinance. In no case shall a solar field that has been deemed abandoned be permitted to remain in place for more than forty leight (48) months from the date, the solar facility was first deemed abandoned.				
#53	MM 4.9-2: Prior to the operation of the solar facility, the operator shall consult with the Department of Defense and the operations staff at the <u>Mojave Air and Space Port</u> to identify the appropriate Frequency Management Office officials to coordinate the use of telemetry and to	Prior to project operations	Kern County Planning and Natural Resources Department; Department of Defense Frequency Management Office		
	coordinate regarding generation-tie location and heights to avoid potential frequency conflicts with military operations and other public aircraft. (RTC-3/4/19)	e p	s to Compliance: This mitigation measure shall be incorporated as a condition of approval for any site plan review.	ition of app	roval for
		B. The project proponent/operator sha of Defense Frequency Managemen coordinate frequency deconfliction.	I he project proponent/operator shall consult with the appropriate Department of Defense Frequency Management Office and Mojave Air and Space Port to coordinate frequency deconfliction.	propriate L Air and Sp	epartment ace Port to
Sup	Supplemental Environmental Impact Report for Eland I Solar Project		Mitigation Measure Monitoring Program-DRAFT Board of Supervisors – April 9, 2019	g Program-D sors – April 9	RAFT 2019
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Page 52 of 61

C	
Exhibit	

Mitigati	Aitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project	l Impact Report for El	and 1 Solar Project		
Impact	Impact Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.9	Land Use and Planning				
		C. The project proponent annronriate Frequency	C. The project proponent/operator shall submit a copy of the determination by the annrowriate Frequency Management Office and Moiave Air and Space Port to	e determina Air and Spa	ion by the ce Port to

Mitigation Measure Monitoring Program-DRAFT Board of Supervisors – April 9, 2019

Page 53 of 61

Mitigati	Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project	l Impact Report for El:	and 1 Solar Project	
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Date Agency	Initials
4.11	Noise	Hard South States		
#54	MM 4.11-1: To reduce temporary construction related noise impacts, the following shall be implemented by the project proponent/operator during on- site construction activities that would occur within 1,000 feet of an occupied, offsite noise-sensitive receptor: a) To the extent practicable, the construction contractor shall place all stationary construction equipment so that emitted noise is directed away	Prior to and during construction	Kern County Planning and Natural Resources Department; Kern County Public Works Department - Development Review	
	from sensitive receptors nearest the project site.b) To the extent practicable, the construction contractor shall locate the pile driver such that the rear of the machine faces toward the noise sensitive receptors when the vibratory pile driver is being utilized.	Steps to Compliance: A. This mitigation meas B. The construction col	os to Compliance: This mitigation measure shall be incorporated as a condition of approval. The construction contractor shall ensure that all construction equipment is	proval. equipment i
	c) A "noise disturbance coordinator" shall be established. The disturbance coordinator shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall be required to implement reasonable measures such that the complaint is resolved.	 equipped with manufacturer-approequipped with manufacturer-approfile C. The construction contractor shall for the project during construction. D. Contact information for the Disturkern County Planning and Netron County Planning and Netron commencement of any ground dist 	equipped with manufacturer-approved mufflers and baffles. The construction contractor shall establish a Noise Disturbance Coordinator for the project during construction. Contact information for the Disturbance Coordinator shall be submitted to the Kern County Planning and Natural Resources Department prior to commencement of any ground disturbing activities.	coordinator mitted to the ent prior to
	d) The construction contractor shall ensure proper maintenance and working order of equipment and vehicles, and that all construction equipment is equipped with manufacturers approved mufflers and baffles.	E. The project proponent shall comply withF. The Kern County Public Works Departmcompliance in the field during inspection.	The project proponent shall comply with the Kern County Noise Ordinance. The Kern County Public Works Department - Development Review will verify compliance in the field during inspection.	Drdinance. sw will verif
	e) The construction contractor shall install and/or maintain sound-control devices in all construction and impact equipment, no less effective than those provided on the original equipment.			
	f) Construction contracts shall specify that notices shall be sent out to all residences immediately adjacent to the construction areas at least 15 days prior to commencements of construction. The notices shall include the constructions schedule and a telephone number where complaints can be registered with the noise disturbance coordinator. A sign legible at a distance of 50 feet shall also be posted at the construction site throughout construction, which includes the same details as the notices.			
	g) Construction vehicles and equipment shall not be left idling for longer than 5 minutes when not in use.			
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Exhibit C

Supplemental Environmental Impact Report for Eland I Solar Project

Page 54 of 61

Impact Mitigation Measure					
	Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.11 Noise					
#SS MM 4.11-2: Noise Ordina	MM 4.11-2: Project construction hours shall comply with the Kern County Noise Ordinance (Municipal Ordinance Code 8.36.020).	During construction	Kern County Public Works Department - Development Review		
		Steps to Compliance: A. This mitigation meas any site plan review.	s to Compliance: This mitigation measure shall be incorporated as a condition of approval for any site plan review.	ition of appr	oval for
		B. The Kern County Pu verify compliance.	The Kern County Public Works Department - Development Review shall verify compliance.	nent Review	shall
Justification: Changes of the extent feasible	Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final SEIR to the extent feasible.	duce the potentially signific	ant environmental effects identified	l in the final	SEIR to

Mitigat	Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project	Impact Report for Ela	ind 1 Solar Project		
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.12	Public Services				
#56	MM 4.12-1: In order to reduce impacts to public services including police and fire protection, the following shall be implemented: a. The project proponent/operator shall pay for impacts to countywide public protection, sheriff patrol and investigation, and fire services at a rate of \$29.59 per 1.000 square feet of panel-covered ground for the	Prior to issuance of building and grading permits and during construction and operation	Kern County Planning and Natural Resources Department; Kern County Public Works Department - Development Review		
	facility operation for the entire covered area of the project. The total amount shall be divided by the number of years of operation and paid on a yearly basis. The total amount will be divided by the number of years of operation. The fee will be paid to the Kern County Auditor/Controller by April 30 of each calendar year. b. Written verification of ownership of the project shall be submitted to the Kern County Planning and Natural Resources Department by April 15 of each calendar year. If the project is sold to a city, county, or utility company that pays assessed taxes that equal less than \$1,000 per megawatt per year, than they will pay those taxes plus an amount necessary to equal the equivalent of \$1,000 per megawatt. The amount the Kern County Auditor/Controller by April 30 of each calendar year. c. The project is sold to a city, county, or utility company that pays assessed taxes that equal less than \$1,000 per megawatt per year, than they will pay those taxes plus an amount necessary to equal the equivalent of \$1,000 per megawatt. The amount the Kern County Auditor/Controller by April 30 of each calendar year. c. The project proponent/operator shall work with County staff to determine how to maximize the County's receipt of sales and use taxes proponent/operator: obtaining a street address within the unincorporated portion of Kern County for acquisition, purchasing and billing purposes. registering this address within the unincorporated portion of Kern County for acquisition, purchasing and billing purposes associated with the taxable portion of the proposed project, and causing the project proponent/operator's general contractor and significant subcontractors proponent/operator's general contractor and significant subcontractors	 Steps to Compliance: A. This mitigation measure shall be B. Prior to the issuance of any bu for impacts on countywide pub services, and fire services projet services, and fire services projet of any proponent shall submit a 1 commencement of construction E. The Kern County Public Wo verify compliance in the field. 	e incorporated as a co ilding permits, the pr lic protection, sheriff et proponent ip of the project shall sources Department building permits on etter detailing the rks Department - D	ndition of approv oject proponent 's patrol and inv le submitted to hiring efforts evelopment Rev	val. t shall pay vestigative o the Kern prior to view shall
	to obtain a permit or sub-permit (as applicable) from the CDTFA using				- Internet
Ñ	Supplemental Environmental Impact Report for Eland I Solar Project		Mitigation Measure Monitoring Program-DRAFT	g Program-DF	2019

Exhibit C

Page 56 of 61

Nulligation measure roomoning roog ant 2019 Board of Supervisors – April 9, 2019

ImpactMitigation Measure4.12Public Services4.12Public Servicessuch street address, project proponent/o information public, information public,	gation Measure c Services such street address, to the extent permitted under applicable law. The project proponent/operator shall allow the County to use this sales tax information publicly for reporting purposes.	, , ,	Responsible Monitoring		
	is, to the extent permitted under applicable law. The operator shall allow the County to use this sales tax clv for reporting purposes.	Time Frame for Implementation	Agency	Date	Initials
	is, to the extent permitted under applicable law. The voperator shall allow the County to use this sales tax clv for reporting purposes.				
a) All internal cor equipped with sp	MM 4.12-2: The project proponent/operator shall develop and implement a fire safety plan for use during construction and operation. The project proponent/operator will submit the plan, along with maps of the project site and access roads, to the Kern County Fire Department for review and approval prior to the issuance of any building permit or grading permits. The fire safety plan will contain notification procedures and emergency fire	Prior to issuance of building and grading permits and during construction and operation	Kern County Fire Department; Kern County Planning and Natural Resources Department; Kern County Public Works Department - Development Review		
	precautions including, but not limited to, the following: a) All internal combustion engines, stationary and mobile, will be equipped with spark arresters. Spark arresters will be in good working	Step A.	s to Compliance: This mitigation measure shall be incorporated as a condition of approval for any site plan review.	tion of appro	val for
b) Light trucks and (only on roads w vehicle types wi good condition.	order. Light trucks and cars with factory-installed (type) mufflers will be used only on roads where the roadway is cleared of vegetation. These vehicle types will maintain their factory-installed (type) muffler in good condition.	ri B	The project proponent/operator shall submit a fire safety plan to the Kern County Fire Department for review and approval. An approved fire safety plan shall be submitted to the Kern County Planning and Natural Resources Department.	plan to the K ern County P	em lanning
	Fire rules will be posted on the project bulletin board at the contractor's field office and areas visible to employees.	Ū.	The Kern County Public Works Department - Development Review shall verify compliance in the field.	ient Review s	hall
 d) Equipment parking areas and su cleared of all extraneous flammable e) Personnel shall be trained in th relevant to their duties. Construct be trained and equipped to extinging into more serious threats. 	nall stationary e materials. e practices of ion and mainter ish small fires				
f) The project prop of chainsaws, ch tractors, torches, season. When th hoses, fire rakes,	The project proponent/operator shall make an effort to restrict the use of chainsaws, chippers, vegetation masticators, grinders, drill rigs, tractors, torches, and explosives to periods outside of the official fire season. When the above tools are used, water tanks equipped with hoses, fire rakes, and axes shall be easily accessible to personnel.				
Justification: Changes or alteration the extent feasible.	Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final SEIR to the extent feasible.	duce the potentially signific.	ant environmental effects identified	l in the final ?	SEIR to

Page 57 of 61

Mitigat	Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project	Impact Report for Ela	nd 1 Solar Project		
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.13	Traffic and Transportation	「「「、、、、、、、、、、、、、、、、、、、、、、、、、、、、、、、、、、、			
#58	 MM 4.13-1: Prior to the issuance of construction or building permits, the project proponent/operator shall: a) Prepare and submit a Construction Traffic Control Plan to Kern County Roads Department and the California Department of Transportation District 9 office for approval. The Construction Traffic Control Plan 	Prior to issuance of construction or building permits and after construction	Kern County Planning and Natural Resources Department; Kern County Roads Department; California Department of Transportation		
	must be prepared in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook and must include, but not be limited to,	Steps to Compliance: A. This mitigation measu any site plan review.	os to Compliance: This mitigation measure shall be incorporated as a condition of approval for any site plan review.	tion of approv	al for
	IOI	B. The project proponent County Roads Departi	The project proponent/operator shall submit a traffic control plan to the Kern County Roads Department for review and approval.	trol plan to the	Kem
	 Directing construction traffic with a flag person; Placing temporary signing, lighting, and traffic control devices if required, including, but not limited to, appropriate signage along 	C. The project proponent/opera from Kern County Roads De Transportation, if necessary.	The project proponent/operator shall obtain necessary encroachment permits from Kern County Roads Department and California Department of Transportation, if necessary.	ncroachment pe partment of	ermits
	access routes to indicate the presence of heavy vehicles and construction traffic;	D. The project proponent Natural Resources De	The project proponent/operator shall provide the Kern County Planning and Natural Resources Department with a copy of an approved traffic control plan,	ounty Planning ed traffic conti	g and ol plan,
	iv. Ensuring access for emergency vehicles to the project site;v. Temporarily closing travel lanes or delaying traffic during	encroachment permits identification of roads	encroachment permits and executed secured agreements, which includes identification of roads to be used during construction.	, which includ	S
		E. The project proponent construction videos do	The project proponent/operator shall submit preconstruction and post- construction videos documenting repairs to roads used during construction, as	tion and post- uring construct	tion, as
	 Maintaining access to adjacent property; vii. Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the a.m. 	F. The Kern County Plan videos and documenta	outimed in mitugation. The Kern County Planning and Natural Resources Department shall review videos and documentation and verify compliance.	rtment shall re	view
	and p.m. peak hour, distributing construction traffic flow across alternative routes to access the project site, and avoiding residential neighborhoods to the maximum extent feasible;				
	b) Obtain all necessary permits for the work within the road right of way or use of oversized/overweight vehicles that will utilize county maintained roads, which may require California Highway Patrol or a pilot car escort. Copies of the approved traffic plan and issued permits shall be submitted to the Kern County Planning and Natural Resources				
	Department.		Mitigation Measure Monitoring Program-DRAFT	Program-DRA	

Exhibit C

Supplemental Environmental Impact Report for Eland I Solar Project

Page 58 of 61

Aitigat	Mitigation Measure Monitoring Program - Supplemental Environmental	ntal Environmental Impact Report for Eland 1 Solar Project	and 1 Solar Project		
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.13	Traffic and Transportation				
	 c) Enter into a secured agreement with Kern County to ensure that any county roads that are demonstrably damaged by project-related activities are promptly repaired and, if necessary, paved, slurry-sealed, or reconstructed as per requirements of the State and/or Kern County. Copies of the approved traffic plan and issued permits shall be submitted to the Kern County Planning and Natural Resources Department and the Kern County Roads Department. <u>d</u>) Submit documentation that identifies the roads to be used during construction. The project proponent/operator shall be responsible for repairing any damage to non-county maintained roads that may result from construction video log and inspection report regarding roadway conditions for roads used during and Natural Resources Department. <u>e</u>) Submit documentation of construction, submit a preconstruction wideo log and inspection report regarding roadway conditions for roads used during and Natural Resources Department. <u>e</u>) Subsequent to completion of construction, submit a post-construction video log and inspection report regarding roadway conditions for roads used during construction, submit a post-construction required, if any. <u>f</u>) Coordinate construction traffic to avoid possible conflicts during the project construction traffic to avoid possible conflicts during the project construction traffic to avoid possible conflicts during the project construction traffic to avoid possible conflicts during the project construction traffic to avoid possible conflicts during the 				
#59	MM 4.13-3: Prior to the issuance of grading or building permits, the project proponent/operator shall obtain the necessary permits and approvals from the Union Pacific Railroad for the construction of a crossing arm, or other crossing immrovements to the Lone Dine Branch rail line. Conies of all	Prior to issuance of building or grading permits	Kern County Planning and Natural Resources Department; Union Pacific Railroad		
	permits and approvals shall be submitted to the Kern County Planning and Natural Resources Department.	Steps to Compliance:A. This mitigation measuary site plan review.B. Copies of all permits Planning and Natural	os to Compliance: This mitigation measure shall be incorporated as a condition of approval for any site plan review. Copies of all permits and approvals shall be submitted to the Kern County Planning and Natural Resources Department.	ion of approv the Kern Co	val for unty
ustifica ne exten	Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final SEIR to the extent feasible.	duce the potentially significa	unt environmental effects identified	in the final S	EIR to

	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
Utilities and Service Systems				
MM 4.14-2: During construction, operation, and decommissioning, debris and waste generated shall be recycled to the extent feasible. An on-site recycling coordinator shall be designated by the project proponent/operator to facilitate recycling of all construction waste through coordination with contractors. local waste haulers, and/or other facilities that recycle	Prior to issuing building permits During construction, operation, and	Kern County Planning and Natural Resources Department; Kern County Waste Management Department		
construction/demolition wastes. The on-site recycling coordinator shall also be responsible for ensuring that wastes requiring special disposal are handled according to state and County regulations that are in effect at the time of disposal. The name and phone number of the coordinator shall be provided to the Kern County Waste Management Department prior to issuance of building permits.	Steps to Compliance: A. This mitigation measu any site plan review. B. Prior to issuance of bu provide name, and pho Department.	os to Compliance: This mitigation measure shall be incorporated as a condition of approval for any site plan review. Prior to issuance of building permits, designate onsite-recycling coordinator, provide name, and phone number to Kern County Waste Management Department.	tion of appr cycling coo Manageme	oval for dinator,
	C. Recycle construction vD. Provide Kern County 1County Waste Manage	Recycle construction waste to the extent feasible. Provide Kern County Planning and Natural Resources De County Waste Management Department with copies of h	epartment a auling rece	nd Kern ipts.
he project have been required to substantially red	luce the potentially significa	nt environmental effects identified	l in the fina	SEIR to
he proj	ject have been required to substantially rec	D. Provide Kern County J County Waste Manage ject have been required to substantially reduce the potentially significa	D. Provide Kern County Planning and Natural Resources D County Waste Management Department with copies of h ject have been required to substantially reduce the potentially significant environmental effects identified	D. Provide Kern County Planning and Natural Resources Department and Kern Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final SEIR to the extent feasible.

Exhibit C

Mitigation Measure Monitoring Program-DRAFT Board of Supervisors - April 9, 2019

Page 60 of 61

PC RESOLUTIONS

BEFORE THE PLANNING COMMISSION

COUNTY OF KERN, STATE OF CALIFORNIA

In the matter of:

RESOLUTION NO. 103-19

APPLICATION FOR GENERAL PLAN AMENDMENT CASE NO. 9, MAP NO. 152

South of Munsey Road, east and west of Neuralia Road, east of State Route (SR) 14, north and south of Phillips Road, in the unincorporated Kern County, southeast of the unincorporated community of Cantil, and immediately north of California City Eland 1 Solar Project by 68SF 8me, LLC (PP18211)

FINDINGS AND DETERMINATION

I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify

that the following resolution, proposed by Mr. Sprague, seconded by Mr. Jhaj, was duly passed and adopted by said Planning

Commission at an official meeting hereof this 14th day of March, 2019, by the following vote, to wit:

AYES: Ashley, Jhaj, McGiffney, Sprague

NOES: None

ABSTAINED: None

ABSENT: Frank

SECRETARY OF THE PLANNING COMMISSION COUNTY OF KERN, STATE OF CALIFORNIA

RESOLUTION

SECTION 1. WHEREAS:

(a) Pursuant to the California Government Code, Title 7, Section 65354 (known as the Planning and Zoning Law), the

Kern County Planning Commission considers proposed amendments to the County's General and Specific Plans and must

provide a recommendation on all such proposed amendments to the Kern County Board of Supervisors; and

(b) Pursuant to the Zoning Ordinance, Section 19.102.135, such advisory actions shall be considered by the Planning Commission prior to consideration by the Board of Supervisors, following submission of an application containing the information specified in the applicable section of this title and a properly noticed public hearing; and

(c) The Kern County Planning and Natural Resources Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section **7297.206** of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(d) Said parcel of real property is described as follows:

APN: Various

Section 23, 28, 31, 32, 34, and 45, T31S, R37E, MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Natural Resources Department); and

(e) Said application has been made pursuant to provisions of Chapter 19.102 of said Ordinance Code, and requests two amendments to the Circulation Element of the Kern County General Plan to eliminate road reservations along section and midsection lines in Sections 23, 28, 31, 32, 33, 34, and 45, T31SR, R37E, MDB&M in Zone Maps 152 and 152-28. The project would be supported by a 230 kilovolt (kV) gen-tie electrical transmission line(s) originating from one or more on-site substation(s) and/or switchyard(s) and terminating at the Los Angeles Department of Water and Power (LADWP), Barren Ridge Substation. The project's permanent facilities would include: service roads, a power collection system, communication cables, overhead and underground transmission lines, electrical switchyards, project substations, and operations and maintenance facilities; and

(f) The Planning and Natural Resources Department has reviewed the matter and prepared a report containing detailed description and analysis of the proposed amendment to the General Plan, (copy of the report is on file with the Planning and Natural Resources Department and incorporated herein by this reference as if set forth in full); and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and

(i) Said notice of hearing stated that an Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Natural Resources Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Environmental Impact Report; and

The Director of the Planning and Natural Resources Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Natural Resources Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(1) This Commission has considered the recommendation of the Planning and Natural Resources Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the County of Kern, as follows:

(a) This Commission has fully reviewed and considered the information in said Environmental Impact Report and Mitigation Measure Monitoring Program and hereby recommends it to be certified in relation to the subject of this resolution and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of Supervisors <u>C E R T I F Y</u> said

Environmental Impact Report and A D O P T Mitigation Measure Monitoring Program and A P P R O V E, as recommended

by Staff, the application for the reasons specified in this Resolution; and

- (b) The findings of this Commission upon which its decision is based are as follows:
- (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
- (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Supplemental Environmental Impact Report, and the Planning Commission makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Commission acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby recommends the Board of Supervisors adopt a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Supplemental Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Supplemental Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.
- (4) The proposed use is consistent with the goals and policies of the Kern County General Plan.
- (5) Approval of this request would promote development that is consistent with existing and potential land uses of surrounding the area and will allow a reasonable use of this property.
- (6) The project will require minimal expansion of infrastructure to support the proposed development.
- (7) In accordance with Senate Bill 18 and the California Tribal Consultation Guidelines, the appropriate Indian tribes were consulted with respect to the project's potential impacts on Native American places, features, and objects and provided an opportunity for review and consultation.
- (8) In accordance with Assembly Bill 52 and the California Tribal Consultation Guidelines, the appropriate Indian tribes were consulted with respect to the project's potential impacts on Native American places, features, and objects and provided an opportunity for review and consultation.
- (8) The proposed solar energy facility is located in a rural area of the County adjacent to agricultural development and transmission lines. Given these existing uses, there is little potential for the area to be development as an

urban center or major transportation corridor in the long term future. As such, the identified arterial/collector roadway designations are not necessary to facilitate future traffic needs in the area.

- (9) Approval of the requested General Plan Amendment is consistent with continuing the Board of Supervisors' adopted alternative energy goal because it will help facilitate the construction of a renewable energy project.
- (10) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the County Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made.
- (11) Approval of the Amendment to the Circulation Element of the Kern County General Plan is consistent with the objectives of the Circulation Element of the Plan.
- (12) Approval of the Amendment to the Circulation Element of the Kern County General Plan is consistent with the objectives will maintain accessibility for neighboring properties.
- (13) Approval of the Amendment to the Circulation Element of the Kern County General Plan is consistent with the objectives of the Circulation Element of the Plan because it will maintain adequate traffic safety; and
- (c) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:

Eland 1 Solar Project by 68SF 8me, LLC (PP18211) (applicant) (1) LiUNA (1) File (3)

cc

BEFORE THE PLANNING COMMISSION

COUNTY OF KERN, STATE OF CALIFORNIA

In the matter of:

RESOLUTION NO. 104-19

APPLICATION FOR GENERAL PLAN AMENDMENT CASE NO. 1, MAP NO. 152-28

South of Munsey Road, east and west of Neuralia Road, east of State Route (SR) 14, north and south of Phillips Road, in the unincorporated Kern County, southeast of the unincorporated community of Cantil, and immediately north of California City Eland 1 Solar Project by 68SF 8me, LLC (PP18211)

FINDINGS AND DETERMINATION

I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify

that the following resolution, proposed by Mr. Sprague, seconded by Mr. Jhaj, was duly passed and adopted by said Planning

Commission at an official meeting hereof this 14th day of March, 2019, by the following vote, to wit:

AYES: Ashley, haj, McGiffney, Sprague

NOES: None

ABSTAINED: None

ABSENT: Frank

SECRETARY OF THE PLANNING COMMISSION COUNTY OF KERN, STATE OF CALIFORNIA

RESOLUTION

SECTION 1. WHEREAS:

(a) Pursuant to the California Government Code, Title 7, Section 65354 (known as the Planning and Zoning Law), the

Kern County Planning Commission considers proposed amendments to the County's General and Specific Plans and must

provide a recommendation on all such proposed amendments to the Kern County Board of Supervisors; and

(b) Pursuant to the Zoning Ordinance, Section 19.102.135, such advisory actions shall be considered by the Planning Commission prior to consideration by the Board of Supervisors, following submission of an application containing the information specified in the applicable section of this title and a properly noticed public hearing; and

(c) The Kern County Planning and Natural Resources Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section 7297.609 of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(d) Said parcel of real property is described as follows:

APN: Various

Section 23, 28, 31, 32, 34, and 45, T31S, R37E, MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Natural Resources Department); and

(e) Said application has been made pursuant to provisions of Chapter 19.102 of said Ordinance Code, and requests two amendments to the Circulation Element of the Kern County General Plan to eliminate road reservations along section and midsection lines in Sections 23, 28, 31, 32, 33, 34, and 45, T31SR, R37E, MDB&M in Zone Maps 152 and 152-28. The project would be supported by a 230 kilovolt (kV) gen-tie electrical transmission line(s) originating from one or more on-site substation(s) and/or switchyard(s) and terminating at the Los Angeles Department of Water and Power (LADWP), Barren Ridge Substation. The project's permanent facilities would include: service roads, a power collection system, communication cables, overhead and underground transmission lines, electrical switchyards, project substations, and operations and maintenance facilities; and

(f) The Planning and Natural Resources Department has reviewed the matter and prepared a report containing detailed description and analysis of the proposed amendment to the General Plan, (copy of the report is on file with the Planning and Natural Resources Department and incorporated herein by this reference as if set forth in full); and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and

(i) Said notice of hearing stated that an Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Natural Resources Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Environmental Impact Report; and

The Director of the Planning and Natural Resources Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Natural Resources Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(1) This Commission has considered the recommendation of the Planning and Natural Resources Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the County of Kern, as follows:

(a) This Commission has fully reviewed and considered the information in said Environmental Impact Report and Mitigation Measure Monitoring Program and hereby recommends it to be certified in relation to the subject of this resolution and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of Supervisors <u>C E R T I F Y</u> said

Environmental Impact Report and A D O P T Mitigation Measure Monitoring Program and A P P R O V E, as recommended

by Staff, the application for the reasons specified in this Resolution; and

- (b) The findings of this Commission upon which its decision is based are as follows:
- (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
- (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Supplemental Environmental Impact Report, and the Planning Commission makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Commission acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby recommends the Board of Supervisors adopt a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Supplemental Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Supplemental Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.
- (4) The proposed use is consistent with the goals and policies of the Kern County General Plan.
- (5) Approval of this request would promote development that is consistent with existing and potential land uses of surrounding the area and will allow a reasonable use of this property.
- (6) The project will require minimal expansion of infrastructure to support the proposed development.
- (7) In accordance with Senate Bill 18 and the California Tribal Consultation Guidelines, the appropriate Indian tribes were consulted with respect to the project's potential impacts on Native American places, features, and objects and provided an opportunity for review and consultation.
- (8) In accordance with Assembly Bill 52 and the California Tribal Consultation Guidelines, the appropriate Indian tribes were consulted with respect to the project's potential impacts on Native American places, features, and objects and provided an opportunity for review and consultation.
- (8) The proposed solar energy facility is located in a rural area of the County adjacent to agricultural development and transmission lines. Given these existing uses, there is little potential for the area to be development as an

urban center or major transportation corridor in the long term future. As such, the identified arterial/collector roadway designations are not necessary to facilitate future traffic needs in the area.

- (9) Approval of the requested General Plan Amendment is consistent with continuing the Board of Supervisors' adopted alternative energy goal because it will help facilitate the construction of a renewable energy project.
- (10) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the County Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made.
- (11) Approval of the Amendment to the Circulation Element of the Kern County General Plan is consistent with the objectives of the Circulation Element of the Plan.
- (12) Approval of the Amendment to the Circulation Element of the Kern County General Plan is consistent with the objectives will maintain accessibility for neighboring properties.
- (13) Approval of the Amendment to the Circulation Element of the Kern County General Plan is consistent with the objectives of the Circulation Element of the Plan because it will maintain adequate traffic safety; and
- (c) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:

Eland 1 Solar Project by 68SF 8me, LLC (PP18211) (applicant) (1) LiUNA (1) File (3)

cc

BEFORE THE PLANNING COMMISSION

COUNTY OF KERN, STATE OF CALIFORNIA

In the matter of:

RESOLUTION NO. 105-19

APPLICATION FOR ZONE CHANGE CASE NO. 11, MAP NO. 152

South of Munsey Road, east and west of Neuralia Road, east of State Route (SR) 14, north and south of Phillips Road, in the unincorporated Kern County, southeast of the unincorporated community of Cantil, and immediately north of California City Eland 1 Solar Project by 68SF 8me, LLC (PP18211)

FINDINGS AND DETERMINATION

I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify

that the following resolution, proposed by Mr. Sprague, seconded by Mr. Jhaj, was duly passed and adopted by said Planning

Commission at an official meeting hereof this 14th day of March, 2019, by the following vote, to wit:

AYES: Ashley, Jhaj, McGiffney, Sprague

NOES: None

ABSTAINED: None

ABSENT: Frank

SECRETARY OF THE PLANNING COMMISSION COUNTY OF KERN, STATE OF CALIFORNIA

RESOLUTION

SECTION 1. WHEREAS:

(a) Pursuant to the California Government Code, Title 7, Section 65000, et seq. (known as the Planning and Zoning

Law), the Kern County Board of Supervisors has adopted the Official Land Use and Zoning Ordinance for the County of Kern

(Ordinance Code of Kern County, Chapter 19.02, et seq.), herein called the Zoning Ordinance; and

(b) The Zoning Ordinance establishes various classes of zones, prescribes land uses and regulations for the

various zones, and adopts zoning maps for the purposes of dividing the County into zones and showing the zone

boundaries; and

(c) The Zoning Ordinance regulates the use of buildings, structures, and land, as between agriculture, industry, business, residence, and other purposes, and other uses more specifically set forth in Section 65850 of said Government Code; and

(d) The Kern County Planning and Natural Resources Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section 7297. 206 of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(e) Said parcel of real property is described as follows:

APN: Various

Section 23, 28, 31, 32, 34, and 45, T31S, R37E, MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Natural Resources Department); and

(f) Said application has been made pursuant to provisions of Chapter 19.112 of said Ordinance Code, and requests a zone change insofar as said requirements are applicable to the aforedescribed parcel of real property, and more particularly four changes in zone classifications from A-1 (Limited Agriculture) to A (Exclusive Agriculture), on 265.3 acres; from A-1 MH (Limited Agriculture - Mobilehome Combining) to A (Exclusive Agriculture), on approximately 81 acres; from PL RS MH (Platted Lands - Residential Suburban Combining - Mobilehome Combining) to A (Exclusive Agriculture), on approximately 81 acres; from PL RS MH (Platted Lands - Residential Suburban Combining - Mobilehome Combining) to A (Exclusive Agriculture), on approximately 81 acres; from E (20) RS (Estate - 20 acres - Residential Suburban Combining) to A (Exclusive Agriculture), on approximately 81 acres within Zone Map 152; and from E (20) RS (Estate - 20 acres - Residential Suburban Combining) to A (Exclusive Agriculture), on approximately 81 acres within Zone Map 152-28 or more restrictive districts. The project would be supported by a 230 kilovolt (kV) gen-tie electrical transmission line(s) originating from one or more on-site substation(s) and/or switchyard(s) and terminating at the Los Angeles Department of Water and Power (LADWP), Barren Ridge Substation. The project's permanent facilities would include: service roads, a power collection system, communication cables, overhead and underground transmission lines, electrical switchyards, project substations, and operations and maintenance facilities; and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and

(i) Said notice of hearing stated that an Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Natural Resources Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Environmental Impact Report; and

The Director of the Planning and Natural Resources Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Natural Resources Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(1) This Commission has considered the recommendation of the Planning and Natural Resources Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the County of Kern, as follows:

(a) This Commission finds that the facts recited above are true and that this Commission has jurisdiction to consider the subject of this resolution; and

ZCC #11, Map #152 March 14, 2018

- (b) This Commission has fully reviewed and considered the information in said Environmental Impact Report and
- Mitigation Measure Monitoring Program and hereby recommends it to be certified in relation to the subject of this resolution and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of Supervisors <u>CERTIFY</u> said Environmental Impact Report and <u>ADOPT</u> Mitigation Measure Monitoring Program and <u>APPROVE</u>, as recommended by Staff, the application for the reasons specified in this Resolution; and
 - (c) The findings of this Commission upon which its decision is based are as follows:
 - (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
 - (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Supplemental Environmental Impact Report, and the Planning Commission makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Commission acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby recommends the Board of Supervisors adopt a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Supplemental Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Supplemental Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.
- (4) The requested zone change is consistent with the applicable provisions of the Kern County General Plan, and with previous zone change approvals in the area.
- (5) Approval of the requested zone change and implementation of the required mitigation measures will not be materially detrimental to the health, safety and welfare of the public or the property and residents in the vicinity.
- (6) The requested zone change will facilitate the development of a utility-scale solar energy facility. Given the lack of existing urban development infrastructure in the area, the economic uses and viability of this land are limited. Implementation of this project represents the best and highest use of this land by allowing these individual owners to develop their property with a use that is compatible with the surrounding land uses in the vicinity.

- (7) Approval of the change in zone classification will allow for the construction of a utility-scale solar facility that is consistent with the purpose of continuing the Board of Supervisors' adopted alternative energy goal.
- (8) Approval and implementation of the request zone change will facilitate the construction of a 500 Megawatt solar energy facility. This facility and the anticipated economic benefits associated with the operation of the facility to the County, which include but are not limited to the anticipated of 300 construction and 5 full time operational jobs are consistent with the objectives of the Kern County General Plan that encourage economic development that creates jobs and capital investments in urban and rural areas that benefits residents, businesses, and industries, as well as ensuring future governmental fiscal stability while encouraging new development to utilize existing infrastructure and services.
- (9) Approval of the change in zone classification will allow for the construction of a utility-scale solar facility in an area that does not consist of dense urban development, in an area where adequate site access is available, and in an area that is close to existing energy transmission facilities.
- (10) Approval of the requested zone change will authorize the implementation of development that is consistent with surrounding land uses and provide opportunities to capitalize on existing transmission infrastructure.
- (11) Pursuant to CEQA Section 15074.1, implementation of the proposed clarification to mitigation measure would not result in any new significant environmental impacts. A public hearing has been held that identified the proposed clarification as required. It is the Lead Agency's determination the implementation of the proposed clarifications are considered equivalent and more effective towards the mitigation of impacts and are in full compliance with CEQA.
- (12) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the County Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made.
- (13) Implementation of the proposed zone change to A (Exclusive Agriculture) will facilitate development of a 500 megawatts solar photovoltaic facility. The A (Exclusive Agriculture) District is consistent with the existing rural residential character of Western Antelope Valley and implementation of the proposed solar facility is compatible with existing residential uses and surrounding approved solar facilities within the project vicinity; and
- (d) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:

Eland 1 Solar Project by 68SF 8me, LLC (PP18211) (applicant) (1) LiUNA (1) File (3)

cc

BEFORE THE PLANNING COMMISSION

COUNTY OF KERN, STATE OF CALIFORNIA

In the matter of:

RESOLUTION NO. 106-19

APPLICATION FOR ZONE CHANGE CASE NO. 12, MAP NO. 152

South of Munsey Road, east and west of Neuralia Road, east of State Route (SR) 14, north and south of Phillips Road, in the unincorporated Kern County, southeast of the unincorporated community of Cantil, and immediately north of California City Eland 1 Solar Project by 68SF 8me, LLC (PP18211)

FINDINGS AND DETERMINATION

I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify

that the following resolution, proposed by Mr. Sprague, seconded by Mr. Jhaj, was duly passed and adopted by said Planning

Commission at an official meeting hereof this 14th day of March, 2019, by the following vote, to wit:

AYES: Ashley, Jhaj, McGiffney, Sprague

NOES: None

ABSTAINED: None

ABSENT: Frank

SECRET COMMISSION **COUNTY OF KERN, STATE OF CALIFORNIA**

RESOLUTION

SECTION 1. WHEREAS:

(a) Pursuant to the California Government Code, Title 7, Section 65000, et seq. (known as the Planning and Zoning Law), the Kern County Board of Supervisors has adopted the Official Land Use and Zoning Ordinance for the County of Kern
 (Ordinance Code of Kern County, Chapter 19.02, et seq.), herein called the Zoning Ordinance; and

(b) The Zoning Ordinance establishes various classes of zones, prescribes land uses and regulations for the

various zones, and adopts zoning maps for the purposes of dividing the County into zones and showing the zone

boundaries; and

(c) The Zoning Ordinance regulates the use of buildings, structures, and land, as between agriculture, industry,

business, residence, and other purposes, and other uses more specifically set forth in Section 65850 of said Government Code;

and

(d) The Kern County Planning and Natural Resources Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section **7297**. **206** of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(e) Said parcel of real property is described as follows:

APN: Various

Section 23, 28, 31, 32, 34, and 45, T31S, R37E, MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Natural Resources Department); and

(f) Said application has been made pursuant to provisions of Chapter 19.112 of said Ordinance Code, and requests a zone change insofar as said requirements are applicable to the aforedescribed parcel of real property, and more particularly four changes in zone classifications from A-1 (Limited Agriculture) to A (Exclusive Agriculture), on 265.3 acres; from A-1 MH (Limited Agriculture - Mobilehome Combining) to A (Exclusive Agriculture), on approximately 81 acres; from PL RS MH (Platted Lands - Residential Suburban Combining - Mobilehome Combining) to A (Exclusive Agriculture), on approximately 81 acres; from PL RS MH (Platted Lands - Residential Suburban Combining - Mobilehome Combining) to A (Exclusive Agriculture), on approximately 81 acres; from E (20) RS (Estate - 20 acres - Residential Suburban Combining) to A (Exclusive Agriculture), on approximately 81 acres within Zone Map 152; and from E (20) RS (Estate - 20 acres - Residential Suburban Combining) to A (Exclusive Agriculture), on approximately 81 acres within Zone Map 152-28 or more restrictive districts. The project would be supported by a 230 kilovolt (kV) gen-tie electrical transmission line(s) originating from one or more on-site substation(s) and/or switchyard(s) and terminating at the Los Angeles Department of Water and Power (LADWP), Barren Ridge Substation. The project's permanent facilities would include: service roads, a power collection system, communication cables, overhead and underground transmission lines, electrical switchyards, project substations, and operations and maintenance facilities; and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and

(i) Said notice of hearing stated that an Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Natural Resources Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Environmental Impact Report; and

The Director of the Planning and Natural Resources Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Natural Resources Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(1) This Commission has considered the recommendation of the Planning and Natural Resources Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the County of Kern, as follows:

(a) This Commission finds that the facts recited above are true and that this Commission has jurisdiction to consider the subject of this resolution; and

ZCC #12, Map #152 March 14, 2018

- (b) This Commission has fully reviewed and considered the information in said Environmental Impact Report and Mitigation Measure Monitoring Program and hereby recommends it to be certified in relation to the subject of this resolution and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of Supervisors <u>C E R T I F Y</u> said Environmental Impact Report and <u>A D O P T</u> Mitigation Measure Monitoring Program and <u>A P P R O V E</u>, as recommended by Staff, the application for the reasons specified in this Resolution; and
 - (c) The findings of this Commission upon which its decision is based are as follows:
 - (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
 - (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Supplemental Environmental Impact Report, and the Planning Commission makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Commission acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby recommends the Board of Supervisors adopt a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Supplemental Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Supplemental Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.
- (4) The requested zone change is consistent with the applicable provisions of the Kern County General Plan, and with previous zone change approvals in the area.
- (5) Approval of the requested zone change and implementation of the required mitigation measures will not be materially detrimental to the health, safety and welfare of the public or the property and residents in the vicinity.
- (6) The requested zone change will facilitate the development of a utility-scale solar energy facility. Given the lack of existing urban development infrastructure in the area, the economic uses and viability of this land are limited. Implementation of this project represents the best and highest use of this land by allowing these individual owners to develop their property with a use that is compatible with the surrounding land uses in the vicinity.

- (7) Approval of the change in zone classification will allow for the construction of a utility-scale solar facility that is consistent with the purpose of continuing the Board of Supervisors' adopted alternative energy goal.
- (8) Approval and implementation of the request zone change will facilitate the construction of a 500 Megawatt solar energy facility. This facility and the anticipated economic benefits associated with the operation of the facility to the County, which include but are not limited to the anticipated of 300 construction and 5 full time operational jobs are consistent with the objectives of the Kern County General Plan that encourage economic development that creates jobs and capital investments in urban and rural areas that benefits residents, businesses, and industries, as well as ensuring future governmental fiscal stability while encouraging new development to utilize existing infrastructure and services.
- (9) Approval of the change in zone classification will allow for the construction of a utility-scale solar facility in an area that does not consist of dense urban development, in an area where adequate site access is available, and in an area that is close to existing energy transmission facilities.
- (10) Approval of the requested zone change will authorize the implementation of development that is consistent with surrounding land uses and provide opportunities to capitalize on existing transmission infrastructure.
- (11) Pursuant to CEQA Section 15074.1, implementation of the proposed clarification to mitigation measure would not result in any new significant environmental impacts. A public hearing has been held that identified the proposed clarification as required. It is the Lead Agency's determination the implementation of the proposed clarifications are considered equivalent and more effective towards the mitigation of impacts and are in full compliance with CEQA.
- (12) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the County Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made.
- (13) Implementation of the proposed zone change to A (Exclusive Agriculture) will facilitate development of a 500 megawatts solar photovoltaic facility. The A (Exclusive Agriculture) District is consistent with the existing rural residential character of Western Antelope Valley and implementation of the proposed solar facility is compatible with existing residential uses and surrounding approved solar facilities within the project vicinity; and
- (d) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:

Eland 1 Solar Project by 68SF 8me, LLC (PP18211) (applicant) (1) LiUNA (1) File (3)

cc

BEFORE THE PLANNING COMMISSION

COUNTY OF KERN, STATE OF CALIFORNIA

In the matter of:

RESOLUTION NO. 107-19

APPLICATION FOR ZONE CHANGE CASE NO. 13, MAP NO. 152

South of Munsey Road, east and west of Neuralia Road, east of State Route (SR) 14, north and south of Phillips Road, in the unincorporated Kern County, southeast of the unincorporated community of Cantil, and immediately north of California City Eland 1 Solar Project by 68SF 8me, LLC (PP18211)

FINDINGS AND DETERMINATION

I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify

that the following resolution, proposed by Mr. Sprague, seconded by Mr. Jhaj, was duly passed and adopted by said Planning

Commission at an official meeting hereof this 14th day of March, 2019, by the following vote, to wit:

AYES: Ashley, Jhaj, McGiffney, Sprague

NOES: None

ABSTAINED: None

ABSENT: Frank

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SECRETARY OF THE PLANNING COMMISSION COUNTY OF KERN, STATE OF CALIFORNIA

RESOLUTION

SECTION 1. WHEREAS:

(a) Pursuant to the California Government Code, Title 7, Section 65000, et seq. (known as the Planning and Zoning

Law), the Kern County Board of Supervisors has adopted the Official Land Use and Zoning Ordinance for the County of Kern

(Ordinance Code of Kern County, Chapter 19.02, et seq.), herein called the Zoning Ordinance; and

(b) The Zoning Ordinance establishes various classes of zones, prescribes land uses and regulations for the

various zones, and adopts zoning maps for the purposes of dividing the County into zones and showing the zone

boundaries; and

(c) The Zoning Ordinance regulates the use of buildings, structures, and land, as between agriculture, industry,

business, residence, and other purposes, and other uses more specifically set forth in Section 65850 of said Government Code;

and

(d) The Kern County Planning and Natural Resources Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section **7297**. **206** of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(e) Said parcel of real property is described as follows:

APN: Various

Section 23, 28, 31, 32, 34, and 45, T31S, R37E, MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Natural Resources Department); and

(f) Said application has been made pursuant to provisions of Chapter 19.112 of said Ordinance Code, and requests a zone change insofar as said requirements are applicable to the aforedescribed parcel of real property, and more particularly four changes in zone classifications from A-1 (Limited Agriculture) to A (Exclusive Agriculture), on 265.3 acres; from A-1 MH (Limited Agriculture - Mobilehome Combining) to A (Exclusive Agriculture), on approximately 81 acres; from PL RS MH (Platted Lands - Residential Suburban Combining - Mobilehome Combining) to A (Exclusive Agriculture), on approximately 81 acres; from PL RS MH (Platted Lands - Residential Suburban Combining - Mobilehome Combining) to A (Exclusive Agriculture), on approximately 81 acres; from E (20) RS (Estate - 20 acres - Residential Suburban Combining) to A (Exclusive Agriculture), on approximately 81 acres within Zone Map 152; and from E (20) RS (Estate - 20 acres - Residential Suburban Combining) to A (Exclusive Agriculture), on approximately 81 acres within Zone Map 152-28 or more restrictive districts. The project would be supported by a 230 kilovolt (kV) gen-tie electrical transmission line(s) originating from one or more on-site substation(s) and/or switchyard(s) and terminating at the Los Angeles Department of Water and Power (LADWP), Barren Ridge Substation. The project's permanent facilities would include: service roads, a power collection system, communication cables, overhead and underground transmission lines, electrical switchyards, project substations, and operations and maintenance facilities; and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and

(i) Said notice of hearing stated that an Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Natural Resources Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Environmental Impact Report; and

The Director of the Planning and Natural Resources Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Natural Resources Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(1) This Commission has considered the recommendation of the Planning and Natural Resources Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the County of Kern, as follows:

(a) This Commission finds that the facts recited above are true and that this Commission has jurisdiction to consider the subject of this resolution; and

ZCC #13, Map #152 March 14, 2018 (b) This Commission has fully reviewed and considered the information in said Environmental Impact Report and

Mitigation Measure Monitoring Program and hereby recommends it to be certified in relation to the subject of this resolution and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of Supervisors <u>C E R T I F Y</u> said Environmental Impact Report and <u>A D O P T</u> Mitigation Measure Monitoring Program and <u>A P P R O V E</u>, as recommended by Staff, the application for the reasons specified in this Resolution; and

- (c) The findings of this Commission upon which its decision is based are as follows:
- (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
- (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Supplemental Environmental Impact Report, and the Planning Commission makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Commission acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby recommends the Board of Supervisors adopt a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

- Said Supplemental Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.
- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Supplemental Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.
- (4) The requested zone change is consistent with the applicable provisions of the Kern County General Plan, and with previous zone change approvals in the area.
- (5) Approval of the requested zone change and implementation of the required mitigation measures will not be materially detrimental to the health, safety and welfare of the public or the property and residents in the vicinity.
- (6) The requested zone change will facilitate the development of a utility-scale solar energy facility. Given the lack of existing urban development infrastructure in the area, the economic uses and viability of this land are limited. Implementation of this project represents the best and highest use of this land by allowing these individual owners to develop their property with a use that is compatible with the surrounding land uses in the vicinity.

- (7) Approval of the change in zone classification will allow for the construction of a utility-scale solar facility that is consistent with the purpose of continuing the Board of Supervisors' adopted alternative energy goal.
- (8) Approval and implementation of the request zone change will facilitate the construction of a 500 Megawatt solar energy facility. This facility and the anticipated economic benefits associated with the operation of the facility to the County, which include but are not limited to the anticipated of 300 construction and 5 full time operational jobs are consistent with the objectives of the Kern County General Plan that encourage economic development that creates jobs and capital investments in urban and rural areas that benefits residents, businesses, and industries, as well as ensuring future governmental fiscal stability while encouraging new development to utilize existing infrastructure and services.
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- (10) Approval of the requested zone change will authorize the implementation of development that is consistent with surrounding land uses and provide opportunities to capitalize on existing transmission infrastructure.
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- (12) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the County Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made.
- (13) Implementation of the proposed zone change to A (Exclusive Agriculture) will facilitate development of a 500 megawatts solar photovoltaic facility. The A (Exclusive Agriculture) District is consistent with the existing rural residential character of Western Antelope Valley and implementation of the proposed solar facility is compatible with existing residential uses and surrounding approved solar facilities within the project vicinity; and
- (d) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:

Eland 1 Solar Project by 68SF 8me, LLC (PP18211) (applicant) (1) LiUNA (1) File (3)

cc

BEFORE THE PLANNING COMMISSION

COUNTY OF KERN, STATE OF CALIFORNIA

In the matter of:

RESOLUTION NO. 108-19

APPLICATION FOR ZONE CHANGE CASE NO. 1, MAP NO. 152-28

South of Munsey Road, east and west of Neuralia Road, east of State Route (SR) 14, north and south of Phillips Road, in the unincorporated Kern County, southeast of the unincorporated community of Cantil, and immediately north of California City Eland 1 Solar Project by 68SF 8me, LLC (PP18211)

FINDINGS AND DETERMINATION

I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify

that the following resolution, proposed by Mr. Sprague, seconded by Mr. Jhaj, was duly passed and adopted by said Planning

Commission at an official meeting hereof this 14th day of March, 2019, by the following vote, to wit:

AYES: Ashley, Jhaj, McGiffney, Sprague

NOES: None

ABSTAINED: None

ABSENT: Frank

COMMISSION SECI **COUNTY OF KERN, STATE OF CALIFORNIA**

RESOLUTION

SECTION 1. WHEREAS:

(a) Pursuant to the California Government Code, Title 7, Section 65000, et seq. (known as the Planning and Zoning Law), the Kern County Board of Supervisors has adopted the Official Land Use and Zoning Ordinance for the County of Kern
 (Ordinance Code of Kern County, Chapter 19.02, et seq.), herein called the Zoning Ordinance; and

(b) The Zoning Ordinance establishes various classes of zones, prescribes land uses and regulations for the

various zones, and adopts zoning maps for the purposes of dividing the County into zones and showing the zone

boundaries; and

(c) The Zoning Ordinance regulates the use of buildings, structures, and land, as between agriculture, industry,

business, residence, and other purposes, and other uses more specifically set forth in Section 65850 of said Government Code;

and

(d) The Kern County Planning and Natural Resources Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section **7297.609** of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(e) Said parcel of real property is described as follows:

APN: Various

Section 23, 28, 31, 32, 34, and 45, T31S, R37E, MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Natural Resources Department); and

(f) Said application has been made pursuant to provisions of Chapter 19.112 of said Ordinance Code, and requests a zone change insofar as said requirements are applicable to the aforedescribed parcel of real property, and more particularly four changes in zone classifications from A-1 (Limited Agriculture) to A (Exclusive Agriculture), on 265.3 acres; from A-1 MH (Limited Agriculture - Mobilehome Combining) to A (Exclusive Agriculture), on approximately 81 acres; from PL RS MH (Platted Lands - Residential Suburban Combining - Mobilehome Combining) to A (Exclusive Agriculture), on approximately 81 acres; from PL RS MH (Platted Lands - Residential Suburban Combining - Mobilehome Combining) to A (Exclusive Agriculture), on approximately 81 acres; from E (20) RS (Estate - 20 acres - Residential Suburban Combining) to A (Exclusive Agriculture), on approximately 81 acres within Zone Map 152; and from E (20) RS (Estate - 20 acres - Residential Suburban Combining) to A (Exclusive Agriculture), on approximately 81 acres within Zone Map 152-28 or more restrictive districts. The project would be supported by a 230 kilovolt (kV) gen-tie electrical transmission line(s) originating from one or more on-site substation(s) and/or switchyard(s) and terminating at the Los Angeles Department of Water and Power (LADWP), Barren Ridge Substation. The project's permanent facilities would include: service roads, a power collection system, communication cables, overhead and underground transmission lines, electrical switchyards, project substations, and operations and maintenance facilities; and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and

(i) Said notice of hearing stated that an Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Natural Resources Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Environmental Impact Report; and

The Director of the Planning and Natural Resources Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Natural Resources Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(1) This Commission has considered the recommendation of the Planning and Natural Resources Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the County of Kern, as follows:

(a) This Commission finds that the facts recited above are true and that this Commission has jurisdiction to consider the subject of this resolution; and

ZCC #1, Map #152-28 March 14, 2018

- (b) This Commission has fully reviewed and considered the information in said Environmental Impact Report and
- Mitigation Measure Monitoring Program and hereby recommends it to be certified in relation to the subject of this resolution and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of Supervisors <u>C E R T I F Y</u> said Environmental Impact Report and <u>A D O P T</u> Mitigation Measure Monitoring Program and <u>A P P R O V E</u>, as recommended by Staff, the application for the reasons specified in this Resolution; and
 - (c) The findings of this Commission upon which its decision is based are as follows:
 - (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
 - (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Supplemental Environmental Impact Report, and the Planning Commission makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Commission acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby recommends the Board of Supervisors adopt a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Supplemental Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Supplemental Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.
- (4) The requested zone change is consistent with the applicable provisions of the Kern County General Plan, and with previous zone change approvals in the area.
- (5) Approval of the requested zone change and implementation of the required mitigation measures will not be materially detrimental to the health, safety and welfare of the public or the property and residents in the vicinity.
- (6) The requested zone change will facilitate the development of a utility-scale solar energy facility. Given the lack of existing urban development infrastructure in the area, the economic uses and viability of this land are limited. Implementation of this project represents the best and highest use of this land by allowing these individual owners to develop their property with a use that is compatible with the surrounding land uses in the vicinity.

- (7) Approval of the change in zone classification will allow for the construction of a utility-scale solar facility that is consistent with the purpose of continuing the Board of Supervisors' adopted alternative energy goal.
- (8) Approval and implementation of the request zone change will facilitate the construction of a 500 Megawatt solar energy facility. This facility and the anticipated economic benefits associated with the operation of the facility to the County, which include but are not limited to the anticipated of 300 construction and 5 full time operational jobs are consistent with the objectives of the Kern County General Plan that encourage economic development that creates jobs and capital investments in urban and rural areas that benefits residents, businesses, and industries, as well as ensuring future governmental fiscal stability while encouraging new development to utilize existing infrastructure and services.
- (9) Approval of the change in zone classification will allow for the construction of a utility-scale solar facility in an area that does not consist of dense urban development, in an area where adequate site access is available, and in an area that is close to existing energy transmission facilities.
- (10) Approval of the requested zone change will authorize the implementation of development that is consistent with surrounding land uses and provide opportunities to capitalize on existing transmission infrastructure.
- (11) Pursuant to CEQA Section 15074.1, implementation of the proposed clarification to mitigation measure would not result in any new significant environmental impacts. A public hearing has been held that identified the proposed clarification as required. It is the Lead Agency's determination the implementation of the proposed clarifications are considered equivalent and more effective towards the mitigation of impacts and are in full compliance with CEQA.
- (12) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the County Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made.
- (13) Implementation of the proposed zone change to A (Exclusive Agriculture) will facilitate development of a 500 megawatts solar photovoltaic facility. The A (Exclusive Agriculture) District is consistent with the existing rural residential character of Western Antelope Valley and implementation of the proposed solar facility is compatible with existing residential uses and surrounding approved solar facilities within the project vicinity; and
- (d) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:

Eland 1 Solar Project by 68SF 8me, LLC (PP18211) (applicant) (1) LiUNA (1) File (3)

cc

BEFORE THE PLANNING COMMISSION

COUNTY OF KERN, STATE OF CALIFORNIA

In the matter of:

RESOLUTION NO. 109-19

APPLICATION FOR CONDITIONAL USE PERMIT CASE NO. 23, MAP NO. 152

South of Munsey Road, east and west of Neuralia Road, east of State Route (SR) 14, north and south of Phillips Road, in the unincorporated Kern County, southeast of the unincorporated community of Cantil, and immediately north of California City Eland 1 Solar Project by 68SF 8me, LLC (PP18211)

FINDINGS AND DETERMINATION

I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify

that the following resolution, proposed by Mr. Sprague, seconded by Mr. Jhaj, was duly passed and adopted by said Planning

Commission at an official meeting hereof this 14th day of March, 2019, by the following vote, to wit:

AYES: Ashley, Jhaj, McGiffney, Sprague

NOES: None

ABSTAINED: None

ABSENT: Frank

Fonder H. Omitt

SECRETARY OF THE PLANNING COMMISSION COUNTY OF KERN, STATE OF CALIFORNIA

RESOLUTION

SECTION 1. WHEREAS:

(a) Pursuant to the California Government Code, Title 7, Section 65000, et seq. (known as the Planning and Zoning

Law), the Kern County Board of Supervisors has adopted the Official Land Use and Zoning Ordinance for the County of Kern

(Ordinance Code of Kern County, Chapter 19.02, et seq.), herein called the Zoning Ordinance; and

(b) The Zoning Ordinance establishes various classes of zones, prescribes land uses and regulations for the various zones, and adopts zoning maps for the purposes of dividing the County into zones and showing the zone boundaries; and

(c) The Zoning Ordinance regulates the use of buildings, structures, and land, as between agriculture, industry, business, residence, and other purposes, and other uses more specifically set forth in Section 65850 of said Government Code; and

(d) The Kern County Planning and Natural Resources Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section **7297.206** of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(e) Said parcel of real property is described as follows:

APN: Various

Section 23, 28, 31, 32, 34, and 45, T31S, R37E, MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Natural Resources Department); and

(f) Said application has been made pursuant to provisions of Chapter 19.104 of said Ordinance Code, and requests a conditional use permit as provided in Section 19.12.030.G, insofar as said requirements are applicable to the aforedescribed parcel of real property, and more particularly five Conditional Use Permits to allow for construction and operation of a 500-megawatts (MW) solar photovoltaic (PV) electrical generating facility (Section 19.12.030.G) in an A (Exclusive Agriculture) District. The project would be supported by a 230 kilovolt (kV) gen-tie electrical transmission line(s) originating from one or more on-site substation(s) and/or switchyard(s) and terminating at the Los Angeles Department of Water and Power (LADWP), Barren Ridge Substation. The project's permanent facilities would include: service roads, a power collection system, communication cables, overhead and underground transmission lines, electrical switchyards, project substations, and operations and maintenance facilities; and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and

(i) Said notice of hearing stated that an Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Natural Resources Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Environmental Impact Report; and

The Director of the Planning and Natural Resources Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Natural Resources Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(1) This Commission has considered the recommendation of the Planning and Natural Resources Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the County of Kern, as follows:

(a) This Commission finds that the facts recited above are true and that this Commission has jurisdiction to consider the subject of this resolution; and

(b) This Commission has fully reviewed and considered the information in said Environmental Impact Report and Mitigation Measure Monitoring Program and hereby recommends it to be certified in relation to the subject of this resolution

CUP #23, Map #152 March 14, 2018 and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of Supervisors <u>**C E R T I F Y**</u> said Environmental Impact Report and <u>**A D O P T**</u> Mitigation Measure Monitoring Program and <u>**A P P R O V E**</u>, as recommended by Staff, the application for the reasons specified in this Resolution with development to be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval:

- (1) Conditional Use Permit No. 23 Map No. 152, Conditional Use Permit No. 24 Map 152, Conditional Use Permit No. 25 Map 152, Conditional Use Permit No. 26 Map 152, Conditional Use Permit No. 3 Map 152-28, authorizes the construction and operation of a solar photovoltaic (PV) power generation facilities generating up to a maximum of 500 megawatts of renewable electrical energy on the 2,652.7 acres.
- (2) Any additional on-site development or expansion activities beyond those items described in the staff report and certified Final Supplemental Environmental Impact Report associated with initial approval of this conditional use permit; and which are deemed to be more intensive by the Director of the Kern County Planning and Natural Resources Department, shall be subject to review and approval and may entail further environmental review. Approval of such development or expansion activities may also require modification of this conditional use permit or the approval of a new conditional use permit at the discretion of the Director of the Kern County Planning and Natural Resources Department.
- (3) All mitigation measures included in the adopted Mitigation Measure Monitoring Program for the Eland 1 Solar Project by 68SF 8me LLC (Conditional Use Permit No. 23 Map No. 152, Conditional Use Permit No. 24 Map 152, Conditional Use Permit No. 25 Map 152, Conditional Use Permit No. 26 Map 152, Conditional Use Permit No. 3 Map 152-28), included as Exhibit C of this Resolution, are hereby incorporated as Conditions of Approval.
- (4) Development shall be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval.
- (5) All necessary building permits must be obtained.

(6) <u>Prior to the issuance of building or grading permits</u>, the applicant shall submit documentation of the following:

- (a) The project proponent shall demonstrate compliance with all applicable mitigation measures as listed in the approved Mitigation Measure Monitoring Program (MMMP).
- (b) The method of water supply and sewage disposal shall be as required and approved by the Kern County Public Health Services Department/Environmental Health Division.
- (c) Fire flows, fire protection facilities, and access ways shall be as required and approved by the Kern County Fire Department.
- (d) A plan for the disposal of drainage waters originating on-site and from adjacent road rights-of-way shall be approved by the County of Kern Public Works Department/Floodplain Management Section, if required. Easements or grant deeds shall be given to the County of Kern for drainage purposes or access thereto, as necessary.
- (e) The project operator shall develop and implement an on-site Pest Management Plan specifically related to rodent vectors. The plan shall be submitted to the Kern County Planning and Natural Resources Department.

(f) The project proponent shall encourage all contractors for the project to hire at least 50 percent of their workers from the local Kern County communities. The project operator shall provide to the contractors a list of training programs that provide skilled solar workers and shall require the contractor to advertise locally for available jobs, notify the training programs of job availability, all in conjunction with normal hiring practices of the contractor. The project operator shall submit a letter detailing the hiring efforts, prior to commencement of construction

(7) Prior to the issuance of building permits, the applicant shall submit documentation of the following:

(a) Solar panel support/foundation structures shall be constructed in such a way as to minimize the potential to entrap animals. Detailed schematic drawings depicting the solar panel support/foundation structures to be used on site shall be submitted for approval by the Planning and Natural Resources Director.

(8) <u>Prior to final occupancy approval</u>, the following conditions shall be verified by the building inspector and shall be continuously maintained while this permit is active:

- (a) The following improvements shall comply with requirements of the County of Kern Public Works Department/Building and Development Division and shall be accomplished at no cost to the County and by encroachment permit issued by the Director of the Public Works Department/Building and Development Division:
 - 1. Under encroachment permit, issued by County of Kern Public Works Department/ Building and Development Division, construct paved private road approaches at locations to be approved by the Public Works Department. This does not constitute approval of the location shown on the plans.
- (b) All easements shall be kept open, clear, and free from buildings and structures of any kind pursuant to Chapters 18.50 and 18.55 of the Kern County Land Division Ordinance. All obstructions, including utility poles and lines, trees, pole signs, or similar obstructions, shall be removed from the ultimate road rights-of-way in accordance with Section 18.55.030 of the Land Division Ordinance. Compliance with this requirement is the responsibility of the applicant and may result in significant financial expenditures.
- (c) All storage and pressure tanks shall be painted an earthen hue color.
- (d) All vehicle parking and maneuvering areas shall be treated in a manner to continuously prevent blowing dust.
- (e) All signs shall be approved by the Director of the Kern County Planning and Natural Resources Department prior to installation.
- (f) The areas devoted to outside storage shall be treated with a dust binder or other dust control measure, as approved by the Director of the Kern County Planning and Natural Resources Department.

(9) The property owner shall continuously comply with the following conditions of approval during implementation of this permit:

- (a) The development shall comply with any requirements of the Eastern Kern Air Pollution Control District.
- (b) If any previously unknown oil, gas or injection wells are discovered, work in the area of discovery shall be stopped and the Department of Conservation/Division of Oil, Gas, and Geothermal Resources/Bakersfield office contacted by the project proponent to obtain information on the

requirements of, and approval to perform, remedial operations implemented prior to resumption of work in the area of discovery.

- (c) If any previously unknown archaeological or cultural resources are discovered, work in the area of discovery shall be stopped and a qualified archaeologist contacted to evaluate the find. A copy of the archaeologist's evaluation shall be submitted to the Kern County Planning and Natural Resources Development Department upon its issuance and any measures recommended by the archaeologist shall be implemented prior to resumption of work in the area of discovery.
- (d) All exterior lighting shall be directed away from adjacent properties and roads. When lighting will be visible from a residential district or adjacent public roads, the lighting fixtures shall be equipped with glare shields or baffles to reduce light trespass onto adjacent properties and shall not exceed 25 feet in height above grade. Light fixtures shall be maintained in sound operating conditions at all times. A lighting plan, including glare shield details, shall be submitted and approved by the Kern County Planning and Natural Resources Department.
- (10) All signs shall comply with the signage regulations of the applicable base zone district and with Chapter 19.84 and Chapter 19.81.040(h) of the Zoning Ordinance.
- (11) During all on-site grading and construction activities, adequate measures shall be implemented to control fugitive dust.
- (12) For portions of the project that abut residentially zoned parcels, an Additional Aesthetics Setback of 100 feet shall be required from the project property boundary line, which includes the centerline of any public roadway. If a public roadway does not exist between the project site and the residentially zoned property, the 100 foot setback shall be measured from the edge of the shared property line. The project proponent shall be responsible for continued dust controls and weed maintenance within this additional aesthetic setback area. No solar panels, substations or operating equipment shall be located in and or stored in the identified setback area.
- (13) All used oil (as defined in Section 25250.1 of the California Health and Safety Code) shall be disposed of in accordance with all local, State, and federal regulations following consultation with the Kern County Public Health Services Department/Environmental Health Division/Hazardous Materials Section, State of California Department of Health Services, and the Environmental Protection Agency. All used oil and other wastes shall be transported by a registered waste hauler.
- (14) This permit shall become null and void if the use authorized has not been activated within a five-year period of time of the approval of said permit, unless an extension of time has been granted by the decision-making authority, upon written request before expiration of the five- (5-) year period.
- (15) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of the Ordinance Code.
- (16) At the time building permits are applied for, a filing fee of \$130 may be imposed to ensure that final plans are consistent with adopted conditions of approval. This fee may serve as an initial deposit for particularly complex cases, in which case a cost recovery agreement will be required and charges will be billed at \$100 per hour; and
- (c) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance

with Section 19.102.020 of said Ordinance Code; and

(d) The findings of this Commission upon which its decision is based are as follows:

- (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
- (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Supplemental Environmental Impact Report, and the Planning Commission makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Commission acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby recommends the Board of Supervisors adopt a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Supplemental Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Supplemental Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.
- (4) Pursuant to CEQA Section 15074.1, implementation of the proposed clarification to mitigation measure would not result in any new significant environmental impacts. A public hearing has been held that identified the proposed clarification as required. It is the Lead Agency's determination the implementation of the proposed clarifications are considered equivalent and more effective towards the mitigation of impacts and are in full compliance with CEQA.
- (5) The proposed use is consistent with the goals and policies of the Kern County General Plan.
- (6) The proposed use is consistent with the purpose of the applicable district or districts.
- (7) The proposed use is listed as a use subject to a conditional use permit in the applicable zoning district or districts or a use determined to be similar to a listed conditional use in accordance with the procedures set out in Section 19.08.030.
- (8) The project is located within the A (Exclusive Agriculture) District. The purpose of the Exclusive Agriculture (A) District is to designate areas that are suitable for agricultural uses and prevent the encroachment of incompatible uses onto agricultural lands and the premature conversion of such lands to nonagricultural uses. Solar electrical generation facilities are considered to be compatible with ongoing agricultural activity.
- (9) Permitted land uses in the A (Exclusive Agriculture) District include agricultural uses, commercial uses, and uses related to utility lines and substations, resource extraction, and energy development. Miscellaneous accessory structures that are related to the permitted uses are also allowed. Pursuant to Section 19.12.030.G of the Kern County Zoning Ordinance, solar facilities are permitted with approval of a Conditional Use Permit.
- (10) The proposed use meets the minimum requirements of this title applicable to the use and complies with all other applicable laws, ordinances, and regulations of the County of Kern and the State of California.
- (11) The proposed use will not be materially detrimental to the health, safety, and welfare of the public or to property and residents in the vicinity.

- (12) Approval of the requested Conditional Use Permit is consistent with continuing the Board of Supervisors' adopted alternative energy goal because it will help facilitate the construction of a renewable energy project.
- (13) Implementation of the proposed conditional use permit will facilitate development of a 500 megawatts solar photovoltaic facility. This use is consistent with existing rural residential character of Western Antelope Valley and implementation of the proposed project is compatible with existing residential uses and surrounding approved solar facilities within the project vicinity.
- (14) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the County Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made; and
- (e) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:

Eland 1 Solar Project by 68SF 8me, LLC (PP18211) (applicant) (1) LiUNA (1) File (3)

BEFORE THE PLANNING COMMISSION

COUNTY OF KERN, STATE OF CALIFORNIA

In the matter of:

RESOLUTION NO. 110-19

APPLICATION FOR CONDITIONAL USE PERMIT CASE NO. 24, MAP NO. 152

South of Munsey Road, east and west of Neuralia Road, east of State Route (SR) 14, north and south of Phillips Road, in the unincorporated Kern County, southeast of the unincorporated community of Cantil, and immediately north of California City Eland 1 Solar Project by 68SF 8me, LLC (PP18211)

FINDINGS AND DETERMINATION

I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify

that the following resolution, proposed by Mr. Sprague, seconded by Mr. Jhaj, was duly passed and adopted by said Planning

Commission at an official meeting hereof this 14th day of March, 2019, by the following vote, to wit:

AYES: Ashley, Jhaj, McGiffney, Sprague

NOES: None

ABSTAINED: None

ABSENT: Frank

SECRETARY OF THE PLANNING COMMISSION COUNTY OF KERN, STATE OF CALIFORNIA

RESOLUTION

SECTION 1. WHEREAS:

(a) Pursuant to the California Government Code, Title 7, Section 65000, et seq. (known as the Planning and Zoning

Law), the Kern County Board of Supervisors has adopted the Official Land Use and Zoning Ordinance for the County of Kern

(Ordinance Code of Kern County, Chapter 19.02, et seq.), herein called the Zoning Ordinance; and

(b) The Zoning Ordinance establishes various classes of zones, prescribes land uses and regulations for the various zones, and adopts zoning maps for the purposes of dividing the County into zones and showing the zone boundaries; and

(c) The Zoning Ordinance regulates the use of buildings, structures, and land, as between agriculture, industry, business, residence, and other purposes, and other uses more specifically set forth in Section 65850 of said Government Code; and

(d) The Kern County Planning and Natural Resources Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section **7297.206** of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(e) Said parcel of real property is described as follows:

APN: Various

Section 23, 28, 31, 32, 34, and 45, T31S, R37E, MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Natural Resources Department); and

(f) Said application has been made pursuant to provisions of Chapter 19.104 of said Ordinance Code, and requests a conditional use permit as provided in Section 19.12.030.G, insofar as said requirements are applicable to the aforedescribed parcel of real property, and more particularly five Conditional Use Permits to allow for construction and operation of a 500-megawatts (MW) solar photovoltaic (PV) electrical generating facility (Section 19.12.030.G) in an A (Exclusive Agriculture) District. The project would be supported by a 230 kilovolt (kV) gen-tie electrical transmission line(s) originating from one or more on-site substation(s) and/or switchyard(s) and terminating at the Los Angeles Department of Water and Power (LADWP), Barren Ridge Substation. The project's permanent facilities would include: service roads, a power collection system, communication cables, overhead and underground transmission lines, electrical switchyards, project substations, and operations and maintenance facilities; and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and

(i) Said notice of hearing stated that an Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Natural Resources Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Environmental Impact Report; and

The Director of the Planning and Natural Resources Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Natural Resources Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(1) This Commission has considered the recommendation of the Planning and Natural Resources Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the County of Kern, as follows:

(a) This Commission finds that the facts recited above are true and that this Commission has jurisdiction to consider the subject of this resolution; and

(b) This Commission has fully reviewed and considered the information in said Environmental Impact Report and Mitigation Measure Monitoring Program and hereby recommends it to be certified in relation to the subject of this resolution

CUP #24, Map #152 March 14, 2018 and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of Supervisors <u>C E R T I F Y</u> said Environmental Impact Report and <u>A D O P T</u> Mitigation Measure Monitoring Program and <u>A P P R O V E</u>, as recommended by Staff, the application for the reasons specified in this Resolution with development to be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval:

- (1) Conditional Use Permit No. 23 Map No. 152, Conditional Use Permit No. 24 Map 152, Conditional Use Permit No. 25 Map 152, Conditional Use Permit No. 26 Map 152, Conditional Use Permit No. 3 Map 152-28, authorizes the construction and operation of a solar photovoltaic (PV) power generation facilities generating up to a maximum of 500 megawatts of renewable electrical energy on the 2,652.7 acres.
- (2) Any additional on-site development or expansion activities beyond those items described in the staff report and certified Final Supplemental Environmental Impact Report associated with initial approval of this conditional use permit; and which are deemed to be more intensive by the Director of the Kern County Planning and Natural Resources Department, shall be subject to review and approval and may entail further environmental review. Approval of such development or expansion activities may also require modification of this conditional use permit or the approval of a new conditional use permit at the discretion of the Director of the Kern County Planning and Natural Resources Department.
- (3) All mitigation measures included in the adopted Mitigation Measure Monitoring Program for the Eland 1 Solar Project by 68SF 8me LLC (Conditional Use Permit No. 23 Map No. 152, Conditional Use Permit No. 24 Map 152, Conditional Use Permit No. 25 Map 152, Conditional Use Permit No. 26 Map 152, Conditional Use Permit No. 3 Map 152-28), included as Exhibit C of this Resolution, are hereby incorporated as Conditions of Approval.
- (4) Development shall be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval.
- (5) All necessary building permits must be obtained.

(6) <u>Prior to the issuance of building or grading permits</u>, the applicant shall submit documentation of the following:

- (a) The project proponent shall demonstrate compliance with all applicable mitigation measures as listed in the approved Mitigation Measure Monitoring Program (MMMP).
- (b) The method of water supply and sewage disposal shall be as required and approved by the Kern County Public Health Services Department/Environmental Health Division.
- (c) Fire flows, fire protection facilities, and access ways shall be as required and approved by the Kern County Fire Department.
- (d) A plan for the disposal of drainage waters originating on-site and from adjacent road rights-of-way shall be approved by the County of Kern Public Works Department/Floodplain Management Section, if required. Easements or grant deeds shall be given to the County of Kern for drainage purposes or access thereto, as necessary.
- (e) The project operator shall develop and implement an on-site Pest Management Plan specifically related to rodent vectors. The plan shall be submitted to the Kern County Planning and Natural Resources Department.

(f) The project proponent shall encourage all contractors for the project to hire at least 50 percent of their workers from the local Kern County communities. The project operator shall provide to the contractors a list of training programs that provide skilled solar workers and shall require the contractor to advertise locally for available jobs, notify the training programs of job availability, all in conjunction with normal hiring practices of the contractor. The project operator shall submit a letter detailing the hiring efforts, prior to commencement of construction

(7) Prior to the issuance of building permits, the applicant shall submit documentation of the following:

(a) Solar panel support/foundation structures shall be constructed in such a way as to minimize the potential to entrap animals. Detailed schematic drawings depicting the solar panel support/foundation structures to be used on site shall be submitted for approval by the Planning and Natural Resources Director.

(8) <u>Prior to final occupancy approval</u>, the following conditions shall be verified by the building inspector and shall be continuously maintained while this permit is active:

- (a) The following improvements shall comply with requirements of the County of Kern Public Works Department/Building and Development Division and shall be accomplished at no cost to the County and by encroachment permit issued by the Director of the Public Works Department/Building and Development Division:
 - 1. Under encroachment permit, issued by County of Kern Public Works Department/ Building and Development Division, construct paved private road approaches at locations to be approved by the Public Works Department. This does not constitute approval of the location shown on the plans.
- (b) All easements shall be kept open, clear, and free from buildings and structures of any kind pursuant to Chapters 18.50 and 18.55 of the Kern County Land Division Ordinance. All obstructions, including utility poles and lines, trees, pole signs, or similar obstructions, shall be removed from the ultimate road rights-of-way in accordance with Section 18.55.030 of the Land Division Ordinance. Compliance with this requirement is the responsibility of the applicant and may result in significant financial expenditures.
- (c) All storage and pressure tanks shall be painted an earthen hue color.
- (d) All vehicle parking and maneuvering areas shall be treated in a manner to continuously prevent blowing dust.
- (e) All signs shall be approved by the Director of the Kern County Planning and Natural Resources Department prior to installation.
- (f) The areas devoted to outside storage shall be treated with a dust binder or other dust control measure, as approved by the Director of the Kern County Planning and Natural Resources Department.

(9) The property owner shall continuously comply with the following conditions of approval during implementation of this permit:

- (a) The development shall comply with any requirements of the Eastern Kern Air Pollution Control District.
- (b) If any previously unknown oil, gas or injection wells are discovered, work in the area of discovery shall be stopped and the Department of Conservation/Division of Oil, Gas, and Geothermal Resources/Bakersfield office contacted by the project proponent to obtain information on the

requirements of, and approval to perform, remedial operations implemented prior to resumption of work in the area of discovery.

- (c) If any previously unknown archaeological or cultural resources are discovered, work in the area of discovery shall be stopped and a qualified archaeologist contacted to evaluate the find. A copy of the archaeologist's evaluation shall be submitted to the Kern County Planning and Natural Resources Development Department upon its issuance and any measures recommended by the archaeologist shall be implemented prior to resumption of work in the area of discovery.
- (d) All exterior lighting shall be directed away from adjacent properties and roads. When lighting will be visible from a residential district or adjacent public roads, the lighting fixtures shall be equipped with glare shields or baffles to reduce light trespass onto adjacent properties and shall not exceed 25 feet in height above grade. Light fixtures shall be maintained in sound operating conditions at all times. A lighting plan, including glare shield details, shall be submitted and approved by the Kern County Planning and Natural Resources Department.
- (10) All signs shall comply with the signage regulations of the applicable base zone district and with Chapter 19.84 and Chapter 19.81.040(h) of the Zoning Ordinance.
- (11) During all on-site grading and construction activities, adequate measures shall be implemented to control fugitive dust.
- (12) For portions of the project that abut residentially zoned parcels, an Additional Aesthetics Setback of 100 feet shall be required from the project property boundary line, which includes the centerline of any public roadway. If a public roadway does not exist between the project site and the residentially zoned property, the 100 foot setback shall be measured from the edge of the shared property line. The project proponent shall be responsible for continued dust controls and weed maintenance within this additional aesthetic setback area. No solar panels, substations or operating equipment shall be located in and or stored in the identified setback area.
- (13) All used oil (as defined in Section 25250.1 of the California Health and Safety Code) shall be disposed of in accordance with all local, State, and federal regulations following consultation with the Kern County Public Health Services Department/Environmental Health Division/Hazardous Materials Section, State of California Department of Health Services, and the Environmental Protection Agency. All used oil and other wastes shall be transported by a registered waste hauler.
- (14) This permit shall become null and void if the use authorized has not been activated within a five-year period of time of the approval of said permit, unless an extension of time has been granted by the decision-making authority, upon written request before expiration of the five- (5-) year period.
- (15) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of the Ordinance Code.
- (16) At the time building permits are applied for, a filing fee of \$130 may be imposed to ensure that final plans are consistent with adopted conditions of approval. This fee may serve as an initial deposit for particularly complex cases, in which case a cost recovery agreement will be required and charges will be billed at \$100 per hour; and
- (c) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance

with Section 19.102.020 of said Ordinance Code; and

(d) The findings of this Commission upon which its decision is based are as follows:

- (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
- (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Supplemental Environmental Impact Report, and the Planning Commission makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Commission acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby recommends the Board of Supervisors adopt a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Supplemental Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Supplemental Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.
- (4) Pursuant to CEQA Section 15074.1, implementation of the proposed clarification to mitigation measure would not result in any new significant environmental impacts. A public hearing has been held that identified the proposed clarification as required. It is the Lead Agency's determination the implementation of the proposed clarifications are considered equivalent and more effective towards the mitigation of impacts and are in full compliance with CEQA.
- (5) The proposed use is consistent with the goals and policies of the Kern County General Plan.
- (6) The proposed use is consistent with the purpose of the applicable district or districts.
- (7) The proposed use is listed as a use subject to a conditional use permit in the applicable zoning district or districts or a use determined to be similar to a listed conditional use in accordance with the procedures set out in Section 19.08.030.
- (8) The project is located within the A (Exclusive Agriculture) District. The purpose of the Exclusive Agriculture (A) District is to designate areas that are suitable for agricultural uses and prevent the encroachment of incompatible uses onto agricultural lands and the premature conversion of such lands to nonagricultural uses. Solar electrical generation facilities are considered to be compatible with ongoing agricultural activity.
- (9) Permitted land uses in the A (Exclusive Agriculture) District include agricultural uses, commercial uses, and uses related to utility lines and substations, resource extraction, and energy development. Miscellaneous accessory structures that are related to the permitted uses are also allowed. Pursuant to Section 19.12.030.G of the Kern County Zoning Ordinance, solar facilities are permitted with approval of a Conditional Use Permit.
- (10) The proposed use meets the minimum requirements of this title applicable to the use and complies with all other applicable laws, ordinances, and regulations of the County of Kern and the State of California.
- (11) The proposed use will not be materially detrimental to the health, safety, and welfare of the public or to property and residents in the vicinity.

- (12) Approval of the requested Conditional Use Permit is consistent with continuing the Board of Supervisors' adopted alternative energy goal because it will help facilitate the construction of a renewable energy project.
- (13) Implementation of the proposed conditional use permit will facilitate development of a 500 megawatts solar photovoltaic facility. This use is consistent with existing rural residential character of Western Antelope Valley and implementation of the proposed project is compatible with existing residential uses and surrounding approved solar facilities within the project vicinity.
- (14) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the County Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made; and
- (e) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:

Eland 1 Solar Project by 68SF 8me, LLC (PP18211) (applicant) (1) LiUNA (1) File (3)

BEFORE THE PLANNING COMMISSION

COUNTY OF KERN, STATE OF CALIFORNIA

In the matter of:

RESOLUTION NO. 111-19

APPLICATION FOR CONDITIONAL USE PERMIT CASE NO. 25, MAP NO. 152

South of Munsey Road, east and west of Neuralia Road, east of State Route (SR) 14, north and south of Phillips Road, in the unincorporated Kern County, southeast of the unincorporated community of Cantil, and immediately north of California City Eland 1 Solar Project by 68SF 8me, LLC (PP18211)

FINDINGS AND DETERMINATION

I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify

that the following resolution, proposed by Mr. Sprague, seconded by Mr. Jhaj, was duly passed and adopted by said Planning

Commission at an official meeting hereof this 14th day of March, 2019, by the following vote, to wit:

AYES: Ashley, Jhaj, McGiffney, Sprague

NOES: None

ABSTAINED: None

ABSENT: Frank

Indii H. Omist

SECRETARY OF THE PLANNING COMMISSION COUNTY OF KERN, STATE OF CALIFORNIA

RESOLUTION

SECTION 1. WHEREAS:

(a) Pursuant to the California Government Code, Title 7, Section 65000, et seq. (known as the Planning and Zoning

Law), the Kern County Board of Supervisors has adopted the Official Land Use and Zoning Ordinance for the County of Kern

(Ordinance Code of Kern County, Chapter 19.02, et seq.), herein called the Zoning Ordinance; and

(b) The Zoning Ordinance establishes various classes of zones, prescribes land uses and regulations for the various zones, and adopts zoning maps for the purposes of dividing the County into zones and showing the zone boundaries; and

(c) The Zoning Ordinance regulates the use of buildings, structures, and land, as between agriculture, industry, business, residence, and other purposes, and other uses more specifically set forth in Section 65850 of said Government Code; and

(d) The Kern County Planning and Natural Resources Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section **7297.206** of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(e) Said parcel of real property is described as follows:

APN: Various

Section 23, 28, 31, 32, 34, and 45, T31S, R37E, MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Natural Resources Department); and

(f) Said application has been made pursuant to provisions of Chapter 19.104 of said Ordinance Code, and requests a conditional use permit as provided in Section 19.12.030.G, insofar as said requirements are applicable to the aforedescribed parcel of real property, and more particularly five Conditional Use Permits to allow for construction and operation of a 500-megawatts (MW) solar photovoltaic (PV) electrical generating facility (Section 19.12.030.G) in an A (Exclusive Agriculture) District. The project would be supported by a 230 kilovolt (kV) gen-tie electrical transmission line(s) originating from one or more on-site substation(s) and/or switchyard(s) and terminating at the Los Angeles Department of Water and Power (LADWP), Barren Ridge Substation. The project's permanent facilities would include: service roads, a power collection system, communication cables, overhead and underground transmission lines, electrical switchyards, project substations, and operations and maintenance facilities; and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and

(i) Said notice of hearing stated that an Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Natural Resources Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Environmental Impact Report; and

The Director of the Planning and Natural Resources Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Natural Resources Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(1) This Commission has considered the recommendation of the Planning and Natural Resources Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the County of Kern, as follows:

(a) This Commission finds that the facts recited above are true and that this Commission has jurisdiction to consider the subject of this resolution; and

(b) This Commission has fully reviewed and considered the information in said Environmental Impact Report and Mitigation Measure Monitoring Program and hereby recommends it to be certified in relation to the subject of this resolution

CUP #25, Map #152 March 14, 2018 and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of Supervisors <u>**CERTIFY</u>** said Environmental Impact Report and <u>**ADOPT**</u> Mitigation Measure Monitoring Program and <u>**APPROVE**</u>, as recommended by Staff, the application for the reasons specified in this Resolution with development to be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval:</u>

- (1) Conditional Use Permit No. 23 Map No. 152, Conditional Use Permit No. 24 Map 152, Conditional Use Permit No. 25 Map 152, Conditional Use Permit No. 26 Map 152, Conditional Use Permit No. 3 Map 152-28, authorizes the construction and operation of a solar photovoltaic (PV) power generation facilities generating up to a maximum of 500 megawatts of renewable electrical energy on the 2,652.7 acres.
- (2) Any additional on-site development or expansion activities beyond those items described in the staff report and certified Final Supplemental Environmental Impact Report associated with initial approval of this conditional use permit; and which are deemed to be more intensive by the Director of the Kern County Planning and Natural Resources Department, shall be subject to review and approval and may entail further environmental review. Approval of such development or expansion activities may also require modification of this conditional use permit or the approval of a new conditional use permit at the discretion of the Director of the Kern County Planning and Natural Resources Department.
- (3) All mitigation measures included in the adopted Mitigation Measure Monitoring Program for the Eland 1 Solar Project by 68SF 8me LLC (Conditional Use Permit No. 23 Map No. 152, Conditional Use Permit No. 24 Map 152, Conditional Use Permit No. 25 Map 152, Conditional Use Permit No. 26 Map 152, Conditional Use Permit No. 3 Map 152-28), included as Exhibit C of this Resolution, are hereby incorporated as Conditions of Approval.
- (4) Development shall be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval.
- (5) All necessary building permits must be obtained.

(6) <u>Prior to the issuance of building or grading permits</u>, the applicant shall submit documentation of the following:

- (a) The project proponent shall demonstrate compliance with all applicable mitigation measures as listed in the approved Mitigation Measure Monitoring Program (MMMP).
- (b) The method of water supply and sewage disposal shall be as required and approved by the Kern County Public Health Services Department/Environmental Health Division.
- (c) Fire flows, fire protection facilities, and access ways shall be as required and approved by the Kern County Fire Department.
- (d) A plan for the disposal of drainage waters originating on-site and from adjacent road rights-of-way shall be approved by the County of Kern Public Works Department/Floodplain Management Section, if required. Easements or grant deeds shall be given to the County of Kern for drainage purposes or access thereto, as necessary.
- (e) The project operator shall develop and implement an on-site Pest Management Plan specifically related to rodent vectors. The plan shall be submitted to the Kern County Planning and Natural Resources Department.

(f) The project proponent shall encourage all contractors for the project to hire at least 50 percent of their workers from the local Kern County communities. The project operator shall provide to the contractors a list of training programs that provide skilled solar workers and shall require the contractor to advertise locally for available jobs, notify the training programs of job availability, all in conjunction with normal hiring practices of the contractor. The project operator shall submit a letter detailing the hiring efforts, prior to commencement of construction

(7) Prior to the issuance of building permits, the applicant shall submit documentation of the following:

(a) Solar panel support/foundation structures shall be constructed in such a way as to minimize the potential to entrap animals. Detailed schematic drawings depicting the solar panel support/foundation structures to be used on site shall be submitted for approval by the Planning and Natural Resources Director.

(8) <u>Prior to final occupancy approval</u>, the following conditions shall be verified by the building inspector and shall be continuously maintained while this permit is active:

- (a) The following improvements shall comply with requirements of the County of Kern Public Works Department/Building and Development Division and shall be accomplished at no cost to the County and by encroachment permit issued by the Director of the Public Works Department/Building and Development Division:
 - 1.Under encroachment permit, issued by County of Kern Public Works Department/ Building and Development Division, construct paved private road approaches at locations to be approved by the Public Works Department. This does not constitute approval of the location shown on the plans.
- (b) All easements shall be kept open, clear, and free from buildings and structures of any kind pursuant to Chapters 18.50 and 18.55 of the Kern County Land Division Ordinance. All obstructions, including utility poles and lines, trees, pole signs, or similar obstructions, shall be removed from the ultimate road rights-of-way in accordance with Section 18.55.030 of the Land Division Ordinance. Compliance with this requirement is the responsibility of the applicant and may result in significant financial expenditures.
- (c) All storage and pressure tanks shall be painted an earthen hue color.
- (d) All vehicle parking and maneuvering areas shall be treated in a manner to continuously prevent blowing dust.
- (e) All signs shall be approved by the Director of the Kern County Planning and Natural Resources Department prior to installation.
- (f) The areas devoted to outside storage shall be treated with a dust binder or other dust control measure, as approved by the Director of the Kern County Planning and Natural Resources Department.

(9) The property owner shall continuously comply with the following conditions of approval during implementation of this permit:

- (a) The development shall comply with any requirements of the Eastern Kern Air Pollution Control District.
- (b) If any previously unknown oil, gas or injection wells are discovered, work in the area of discovery shall be stopped and the Department of Conservation/Division of Oil, Gas, and Geothermal Resources/Bakersfield office contacted by the project proponent to obtain information on the

requirements of, and approval to perform, remedial operations implemented prior to resumption of work in the area of discovery.

- (c) If any previously unknown archaeological or cultural resources are discovered, work in the area of discovery shall be stopped and a qualified archaeologist contacted to evaluate the find. A copy of the archaeologist's evaluation shall be submitted to the Kern County Planning and Natural Resources Development Department upon its issuance and any measures recommended by the archaeologist shall be implemented prior to resumption of work in the area of discovery.
- (d) All exterior lighting shall be directed away from adjacent properties and roads. When lighting will be visible from a residential district or adjacent public roads, the lighting fixtures shall be equipped with glare shields or baffles to reduce light trespass onto adjacent properties and shall not exceed 25 feet in height above grade. Light fixtures shall be maintained in sound operating conditions at all times. A lighting plan, including glare shield details, shall be submitted and approved by the Kern County Planning and Natural Resources Department.
- (10) All signs shall comply with the signage regulations of the applicable base zone district and with Chapter 19.84 and Chapter 19.81.040(h) of the Zoning Ordinance.
- (11) During all on-site grading and construction activities, adequate measures shall be implemented to control fugitive dust.
- (12) For portions of the project that abut residentially zoned parcels, an Additional Aesthetics Setback of 100 feet shall be required from the project property boundary line, which includes the centerline of any public roadway. If a public roadway does not exist between the project site and the residentially zoned property, the 100 foot setback shall be measured from the edge of the shared property line. The project proponent shall be responsible for continued dust controls and weed maintenance within this additional aesthetic setback area. No solar panels, substations or operating equipment shall be located in and or stored in the identified setback area.
- (13) All used oil (as defined in Section 25250.1 of the California Health and Safety Code) shall be disposed of in accordance with all local, State, and federal regulations following consultation with the Kern County Public Health Services Department/Environmental Health Division/Hazardous Materials Section, State of California Department of Health Services, and the Environmental Protection Agency. All used oil and other wastes shall be transported by a registered waste hauler.
- (14) This permit shall become null and void if the use authorized has not been activated within a five-year period of time of the approval of said permit, unless an extension of time has been granted by the decision-making authority, upon written request before expiration of the five- (5-) year period.
- (15) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of the Ordinance Code.
- (16) At the time building permits are applied for, a filing fee of \$130 may be imposed to ensure that final plans are consistent with adopted conditions of approval. This fee may serve as an initial deposit for particularly complex cases, in which case a cost recovery agreement will be required and charges will be billed at \$100 per hour; and
- (c) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance

with Section 19.102.020 of said Ordinance Code; and

(d) The findings of this Commission upon which its decision is based are as follows:

- (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
- (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Supplemental Environmental Impact Report, and the Planning Commission makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Commission acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby recommends the Board of Supervisors adopt a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Supplemental Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Supplemental Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.
- (4) Pursuant to CEQA Section 15074.1, implementation of the proposed clarification to mitigation measure would not result in any new significant environmental impacts. A public hearing has been held that identified the proposed clarification as required. It is the Lead Agency's determination the implementation of the proposed clarifications are considered equivalent and more effective towards the mitigation of impacts and are in full compliance with CEQA.
- (5) The proposed use is consistent with the goals and policies of the Kern County General Plan.
- (6) The proposed use is consistent with the purpose of the applicable district or districts.
- (7) The proposed use is listed as a use subject to a conditional use permit in the applicable zoning district or districts or a use determined to be similar to a listed conditional use in accordance with the procedures set out in Section 19.08.030.
- (8) The project is located within the A (Exclusive Agriculture) District. The purpose of the Exclusive Agriculture (A) District is to designate areas that are suitable for agricultural uses and prevent the encroachment of incompatible uses onto agricultural lands and the premature conversion of such lands to nonagricultural uses. Solar electrical generation facilities are considered to be compatible with ongoing agricultural activity.
- (9) Permitted land uses in the A (Exclusive Agriculture) District include agricultural uses, commercial uses, and uses related to utility lines and substations, resource extraction, and energy development. Miscellaneous accessory structures that are related to the permitted uses are also allowed. Pursuant to Section 19.12.030.G of the Kern County Zoning Ordinance, solar facilities are permitted with approval of a Conditional Use Permit.
- (10) The proposed use meets the minimum requirements of this title applicable to the use and complies with all other applicable laws, ordinances, and regulations of the County of Kern and the State of California.
- (11) The proposed use will not be materially detrimental to the health, safety, and welfare of the public or to property and residents in the vicinity.

- (12) Approval of the requested Conditional Use Permit is consistent with continuing the Board of Supervisors' adopted alternative energy goal because it will help facilitate the construction of a renewable energy project.
- (13) Implementation of the proposed conditional use permit will facilitate development of a 500 megawatts solar photovoltaic facility. This use is consistent with existing rural residential character of Western Antelope Valley and implementation of the proposed project is compatible with existing residential uses and surrounding approved solar facilities within the project vicinity.
- (14) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the County Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made; and
- (e) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:

Eland 1 Solar Project by 68SF 8me, LLC (PP18211) (applicant) (1) LiUNA (1) File (3)

BEFORE THE PLANNING COMMISSION

COUNTY OF KERN, STATE OF CALIFORNIA

In the matter of:

RESOLUTION NO. 112-19

APPLICATION FOR CONDITIONAL USE PERMIT CASE NO. 26, MAP NO. 152

South of Munsey Road, east and west of Neuralia Road, east of State Route (SR) 14, north and south of Phillips Road, in the unincorporated Kern County, southeast of the unincorporated community of Cantil, and immediately north of California City Eland 1 Solar Project by 68SF 8me, LLC (PP18211)

FINDINGS AND DETERMINATION

I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify

that the following resolution, proposed by Mr. Sprague, seconded by Mr. Jhaj, was duly passed and adopted by said Planning

Commission at an official meeting hereof this 14th day of March, 2019, by the following vote, to wit:

AYES: Ashley, Jhaj, McGiffney, Sprague

NOES: None

ABSTAINED: None

ABSENT: Frank

Enelii H. Omiatt

SECRETARY OF THE PLANNING COMMISSION COUNTY OF KERN, STATE OF CALIFORNIA

RESOLUTION

SECTION 1. WHEREAS:

(a) Pursuant to the California Government Code, Title 7, Section 65000, et seq. (known as the Planning and Zoning

Law), the Kern County Board of Supervisors has adopted the Official Land Use and Zoning Ordinance for the County of Kern

(Ordinance Code of Kern County, Chapter 19.02, et seq.), herein called the Zoning Ordinance; and

(b) The Zoning Ordinance establishes various classes of zones, prescribes land uses and regulations for the various zones, and adopts zoning maps for the purposes of dividing the County into zones and showing the zone boundaries; and

(c) The Zoning Ordinance regulates the use of buildings, structures, and land, as between agriculture, industry, business, residence, and other purposes, and other uses more specifically set forth in Section 65850 of said Government Code; and

(d) The Kern County Planning and Natural Resources Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section 7297.206 of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(e) Said parcel of real property is described as follows:

APN: Various

Section 23, 28, 31, 32, 34, and 45, T31S, R37E, MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Natural Resources Department); and

(f) Said application has been made pursuant to provisions of Chapter 19.104 of said Ordinance Code, and requests a conditional use permit as provided in Section 19.12.030.G, insofar as said requirements are applicable to the aforedescribed parcel of real property, and more particularly five Conditional Use Permits to allow for construction and operation of a 500-megawatts (MW) solar photovoltaic (PV) electrical generating facility (Section 19.12.030.G) in an A (Exclusive Agriculture) District. The project would be supported by a 230 kilovolt (kV) gen-tie electrical transmission line(s) originating from one or more on-site substation(s) and/or switchyard(s) and terminating at the Los Angeles Department of Water and Power (LADWP), Barren Ridge Substation. The project's permanent facilities would include: service roads, a power collection system, communication cables, overhead and underground transmission lines, electrical switchyards, project substations, and operations and maintenance facilities; and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and

(i) Said notice of hearing stated that an Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Natural Resources Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Environmental Impact Report; and

The Director of the Planning and Natural Resources Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Natural Resources Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(1) This Commission has considered the recommendation of the Planning and Natural Resources Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the County of Kern, as follows:

(a) This Commission finds that the facts recited above are true and that this Commission has jurisdiction to consider the subject of this resolution; and

(b) This Commission has fully reviewed and considered the information in said Environmental Impact Report and Mitigation Measure Monitoring Program and hereby recommends it to be certified in relation to the subject of this resolution

CUP #26, Map #152 March 14, 2018 and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of Supervisors <u>**C E R T I F Y**</u> said Environmental Impact Report and <u>**A D O P T**</u> Mitigation Measure Monitoring Program and <u>**A P P R O V E**</u>, as recommended by Staff, the application for the reasons specified in this Resolution with development to be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval:

- (1) Conditional Use Permit No. 23 Map No. 152, Conditional Use Permit No. 24 Map 152, Conditional Use Permit No. 25 Map 152, Conditional Use Permit No. 26 Map 152, Conditional Use Permit No. 3 Map 152-28, authorizes the construction and operation of a solar photovoltaic (PV) power generation facilities generating up to a maximum of 500 megawatts of renewable electrical energy on the 2,652.7 acres.
- (2) Any additional on-site development or expansion activities beyond those items described in the staff report and certified Final Supplemental Environmental Impact Report associated with initial approval of this conditional use permit; and which are deemed to be more intensive by the Director of the Kern County Planning and Natural Resources Department, shall be subject to review and approval and may entail further environmental review. Approval of such development or expansion activities may also require modification of this conditional use permit or the approval of a new conditional use permit at the discretion of the Director of the Kern County Planning and Natural Resources Department.
- (3) All mitigation measures included in the adopted Mitigation Measure Monitoring Program for the Eland 1 Solar Project by 68SF 8me LLC (Conditional Use Permit No. 23 Map No. 152, Conditional Use Permit No. 24 Map 152, Conditional Use Permit No. 25 Map 152, Conditional Use Permit No. 26 Map 152, Conditional Use Permit No. 3 Map 152-28), included as Exhibit C of this Resolution, are hereby incorporated as Conditions of Approval.
- (4) Development shall be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval.
- (5) All necessary building permits must be obtained.

(6) <u>Prior to the issuance of building or grading permits</u>, the applicant shall submit documentation of the following:

- (a) The project proponent shall demonstrate compliance with all applicable mitigation measures as listed in the approved Mitigation Measure Monitoring Program (MMMP).
- (b) The method of water supply and sewage disposal shall be as required and approved by the Kern County Public Health Services Department/Environmental Health Division.
- (c) Fire flows, fire protection facilities, and access ways shall be as required and approved by the Kern County Fire Department.
- (d) A plan for the disposal of drainage waters originating on-site and from adjacent road rights-of-way shall be approved by the County of Kern Public Works Department/Floodplain Management Section, if required. Easements or grant deeds shall be given to the County of Kern for drainage purposes or access thereto, as necessary.
- (e) The project operator shall develop and implement an on-site Pest Management Plan specifically related to rodent vectors. The plan shall be submitted to the Kern County Planning and Natural Resources Department.

(f) The project proponent shall encourage all contractors for the project to hire at least 50 percent of their workers from the local Kern County communities. The project operator shall provide to the contractors a list of training programs that provide skilled solar workers and shall require the contractor to advertise locally for available jobs, notify the training programs of job availability, all in conjunction with normal hiring practices of the contractor. The project operator shall submit a letter detailing the hiring efforts, prior to commencement of construction

(7) Prior to the issuance of building permits, the applicant shall submit documentation of the following:

(a) Solar panel support/foundation structures shall be constructed in such a way as to minimize the potential to entrap animals. Detailed schematic drawings depicting the solar panel support/foundation structures to be used on site shall be submitted for approval by the Planning and Natural Resources Director.

(8) <u>Prior to final occupancy approval</u>, the following conditions shall be verified by the building inspector and shall be continuously maintained while this permit is active:

- (a) The following improvements shall comply with requirements of the County of Kern Public Works Department/Building and Development Division and shall be accomplished at no cost to the County and by encroachment permit issued by the Director of the Public Works Department/Building and Development Division:
 - 1. Under encroachment permit, issued by County of Kern Public Works Department/ Building and Development Division, construct paved private road approaches at locations to be approved by the Public Works Department. This does not constitute approval of the location shown on the plans.
- (b) All easements shall be kept open, clear, and free from buildings and structures of any kind pursuant to Chapters 18.50 and 18.55 of the Kern County Land Division Ordinance. All obstructions, including utility poles and lines, trees, pole signs, or similar obstructions, shall be removed from the ultimate road rights-of-way in accordance with Section 18.55.030 of the Land Division Ordinance. Compliance with this requirement is the responsibility of the applicant and may result in significant financial expenditures.
- (c) All storage and pressure tanks shall be painted an earthen hue color.
- (d) All vehicle parking and maneuvering areas shall be treated in a manner to continuously prevent blowing dust.
- (e) All signs shall be approved by the Director of the Kern County Planning and Natural Resources Department prior to installation.
- (f) The areas devoted to outside storage shall be treated with a dust binder or other dust control measure, as approved by the Director of the Kern County Planning and Natural Resources Department.

(9) The property owner shall continuously comply with the following conditions of approval during implementation of this permit:

- (a) The development shall comply with any requirements of the Eastern Kern Air Pollution Control District.
- (b) If any previously unknown oil, gas or injection wells are discovered, work in the area of discovery shall be stopped and the Department of Conservation/Division of Oil, Gas, and Geothermal Resources/Bakersfield office contacted by the project proponent to obtain information on the

requirements of, and approval to perform, remedial operations implemented prior to resumption of work in the area of discovery.

- (c) If any previously unknown archaeological or cultural resources are discovered, work in the area of discovery shall be stopped and a qualified archaeologist contacted to evaluate the find. A copy of the archaeologist's evaluation shall be submitted to the Kern County Planning and Natural Resources Development Department upon its issuance and any measures recommended by the archaeologist shall be implemented prior to resumption of work in the area of discovery.
- (d) All exterior lighting shall be directed away from adjacent properties and roads. When lighting will be visible from a residential district or adjacent public roads, the lighting fixtures shall be equipped with glare shields or baffles to reduce light trespass onto adjacent properties and shall not exceed 25 feet in height above grade. Light fixtures shall be maintained in sound operating conditions at all times. A lighting plan, including glare shield details, shall be submitted and approved by the Kern County Planning and Natural Resources Department.
- (10) All signs shall comply with the signage regulations of the applicable base zone district and with Chapter 19.84 and Chapter 19.81.040(h) of the Zoning Ordinance.
- (11) During all on-site grading and construction activities, adequate measures shall be implemented to control fugitive dust.
- (12) For portions of the project that abut residentially zoned parcels, an Additional Aesthetics Setback of 100 feet shall be required from the project property boundary line, which includes the centerline of any public roadway. If a public roadway does not exist between the project site and the residentially zoned property, the 100 foot setback shall be measured from the edge of the shared property line. The project proponent shall be responsible for continued dust controls and weed maintenance within this additional aesthetic setback area. No solar panels, substations or operating equipment shall be located in and or stored in the identified setback area.
- (13) All used oil (as defined in Section 25250.1 of the California Health and Safety Code) shall be disposed of in accordance with all local, State, and federal regulations following consultation with the Kern County Public Health Services Department/Environmental Health Division/Hazardous Materials Section, State of California Department of Health Services, and the Environmental Protection Agency. All used oil and other wastes shall be transported by a registered waste hauler.
- (14) This permit shall become null and void if the use authorized has not been activated within a five-year period of time of the approval of said permit, unless an extension of time has been granted by the decision-making authority, upon written request before expiration of the five- (5-) year period.
- (15) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of the Ordinance Code.
- (16) At the time building permits are applied for, a filing fee of \$130 may be imposed to ensure that final plans are consistent with adopted conditions of approval. This fee may serve as an initial deposit for particularly complex cases, in which case a cost recovery agreement will be required and charges will be billed at \$100 per hour; and
- (c) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance

with Section 19.102.020 of said Ordinance Code; and

(d) The findings of this Commission upon which its decision is based are as follows:

- (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
- (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Supplemental Environmental Impact Report, and the Planning Commission makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Commission acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby recommends the Board of Supervisors adopt a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Supplemental Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Supplemental Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.
- (4) Pursuant to CEQA Section 15074.1, implementation of the proposed clarification to mitigation measure would not result in any new significant environmental impacts. A public hearing has been held that identified the proposed clarification as required. It is the Lead Agency's determination the implementation of the proposed clarifications are considered equivalent and more effective towards the mitigation of impacts and are in full compliance with CEQA.
- (5) The proposed use is consistent with the goals and policies of the Kern County General Plan.
- (6) The proposed use is consistent with the purpose of the applicable district or districts.
- (7) The proposed use is listed as a use subject to a conditional use permit in the applicable zoning district or districts or a use determined to be similar to a listed conditional use in accordance with the procedures set out in Section 19.08.030.
- (8) The project is located within the A (Exclusive Agriculture) District. The purpose of the Exclusive Agriculture (A) District is to designate areas that are suitable for agricultural uses and prevent the encroachment of incompatible uses onto agricultural lands and the premature conversion of such lands to nonagricultural uses. Solar electrical generation facilities are considered to be compatible with ongoing agricultural activity.
- (9) Permitted land uses in the A (Exclusive Agriculture) District include agricultural uses, commercial uses, and uses related to utility lines and substations, resource extraction, and energy development. Miscellaneous accessory structures that are related to the permitted uses are also allowed. Pursuant to Section 19.12.030.G of the Kern County Zoning Ordinance, solar facilities are permitted with approval of a Conditional Use Permit.
- (10) The proposed use meets the minimum requirements of this title applicable to the use and complies with all other applicable laws, ordinances, and regulations of the County of Kern and the State of California.
- (11) The proposed use will not be materially detrimental to the health, safety, and welfare of the public or to property and residents in the vicinity.

- (12) Approval of the requested Conditional Use Permit is consistent with continuing the Board of Supervisors' adopted alternative energy goal because it will help facilitate the construction of a renewable energy project.
- (13) Implementation of the proposed conditional use permit will facilitate development of a 500 megawatts solar photovoltaic facility. This use is consistent with existing rural residential character of Western Antelope Valley and implementation of the proposed project is compatible with existing residential uses and surrounding approved solar facilities within the project vicinity.
- (14) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the County Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made; and
- (e) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:

Eland 1 Solar Project by 68SF 8me, LLC (PP18211) (applicant) (1) LiUNA (1) File (3)

BEFORE THE PLANNING COMMISSION

COUNTY OF KERN, STATE OF CALIFORNIA

In the matter of:

RESOLUTION NO. 113-19

APPLICATION FOR CONDITIONAL USE PERMIT CASE NO. 3, MAP NO. 152-28

South of Munsey Road, east and west of Neuralia Road, east of State Route (SR) 14, north and south of Phillips Road, in the unincorporated Kern County, southeast of the unincorporated community of Cantil, and immediately north of California City Eland 1 Solar Project by 68SF 8me, LLC (PP18211)

FINDINGS AND DETERMINATION

I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify

that the following resolution, proposed by Mr. Sprague, seconded by Mr. Jhaj, was duly passed and adopted by said Planning

Commission at an official meeting hereof this 14th day of March, 2019, by the following vote, to wit:

AYES: Ashley, Jhaj, McGiffney, Sprague

NOES: None

ABSTAINED: None

ABSENT: Frank

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SECRETARY OF THE PLANNING COMMISSION COUNTY OF KERN, STATE OF CALIFORNIA

RESOLUTION

SECTION 1. WHEREAS:

(a) Pursuant to the California Government Code, Title 7, Section 65000, et seq. (known as the Planning and Zoning

Law), the Kern County Board of Supervisors has adopted the Official Land Use and Zoning Ordinance for the County of Kern

(Ordinance Code of Kern County, Chapter 19.02, et seq.), herein called the Zoning Ordinance; and

(b) The Zoning Ordinance establishes various classes of zones, prescribes land uses and regulations for the various zones, and adopts zoning maps for the purposes of dividing the County into zones and showing the zone boundaries; and

(c) The Zoning Ordinance regulates the use of buildings, structures, and land, as between agriculture, industry, business, residence, and other purposes, and other uses more specifically set forth in Section 65850 of said Government Code; and

(d) The Kern County Planning and Natural Resources Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section 7297.609 of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(e) Said parcel of real property is described as follows:

APN: Various

Section 23, 28, 31, 32, 34, and 45, T31S, R37E, MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Natural Resources Department); and

(f) Said application has been made pursuant to provisions of Chapter 19.104 of said Ordinance Code, and requests a conditional use permit as provided in Section 19.12.030.G, insofar as said requirements are applicable to the aforedescribed parcel of real property, and more particularly five Conditional Use Permits to allow for construction and operation of a 500-megawatts (MW) solar photovoltaic (PV) electrical generating facility (Section 19.12.030.G) in an A (Exclusive Agriculture) District. The project would be supported by a 230 kilovolt (kV) gen-tie electrical transmission line(s) originating from one or more on-site substation(s) and/or switchyard(s) and terminating at the Los Angeles Department of Water and Power (LADWP), Barren Ridge Substation. The project's permanent facilities would include: service roads, a power collection system, communication cables, overhead and underground transmission lines, electrical switchyards, project substations, and operations and maintenance facilities; and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and

(i) Said notice of hearing stated that an Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Natural Resources Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Environmental Impact Report; and

The Director of the Planning and Natural Resources Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Natural Resources Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(1) This Commission has considered the recommendation of the Planning and Natural Resources Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the County of Kern, as follows:

(a) This Commission finds that the facts recited above are true and that this Commission has jurisdiction to consider the subject of this resolution; and

(b) This Commission has fully reviewed and considered the information in said Environmental Impact Report and Mitigation Measure Monitoring Program and hereby recommends it to be certified in relation to the subject of this resolution

CUP #3, Map #152-28 March 14, 2018 and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of Supervisors <u>**CERTIFY</u>** said Environmental Impact Report and <u>**ADOPT**</u> Mitigation Measure Monitoring Program and <u>**APPROVE**</u>, as recommended by Staff, the application for the reasons specified in this Resolution with development to be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval:</u>

- (1) Conditional Use Permit No. 23 Map No. 152, Conditional Use Permit No. 24 Map 152, Conditional Use Permit No. 25 Map 152, Conditional Use Permit No. 26 Map 152, Conditional Use Permit No. 3 Map 152-28, authorizes the construction and operation of a solar photovoltaic (PV) power generation facilities generating up to a maximum of 500 megawatts of renewable electrical energy on the 2,652.7 acres.
- (2) Any additional on-site development or expansion activities beyond those items described in the staff report and certified Final Supplemental Environmental Impact Report associated with initial approval of this conditional use permit; and which are deemed to be more intensive by the Director of the Kern County Planning and Natural Resources Department, shall be subject to review and approval and may entail further environmental review. Approval of such development or expansion activities may also require modification of this conditional use permit or the approval of a new conditional use permit at the discretion of the Director of the Kern County Planning and Natural Resources Department.
- (3) All mitigation measures included in the adopted Mitigation Measure Monitoring Program for the Eland 1 Solar Project by 68SF 8me LLC (Conditional Use Permit No. 23 Map No. 152, Conditional Use Permit No. 24 Map 152, Conditional Use Permit No. 25 Map 152, Conditional Use Permit No. 26 Map 152, Conditional Use Permit No. 3 Map 152-28), included as Exhibit C of this Resolution, are hereby incorporated as Conditions of Approval.
- (4) Development shall be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval.
- (5) All necessary building permits must be obtained.

(6) <u>Prior to the issuance of building or grading permits</u>, the applicant shall submit documentation of the following:

- (a) The project proponent shall demonstrate compliance with all applicable mitigation measures as listed in the approved Mitigation Measure Monitoring Program (MMMP).
- (b) The method of water supply and sewage disposal shall be as required and approved by the Kern County Public Health Services Department/Environmental Health Division.
- (c) Fire flows, fire protection facilities, and access ways shall be as required and approved by the Kern County Fire Department.
- (d) A plan for the disposal of drainage waters originating on-site and from adjacent road rights-of-way shall be approved by the County of Kern Public Works Department/Floodplain Management Section, if required. Easements or grant deeds shall be given to the County of Kern for drainage purposes or access thereto, as necessary.
- (e) The project operator shall develop and implement an on-site Pest Management Plan specifically related to rodent vectors. The plan shall be submitted to the Kern County Planning and Natural Resources Department.

(f) The project proponent shall encourage all contractors for the project to hire at least 50 percent of their workers from the local Kern County communities. The project operator shall provide to the contractors a list of training programs that provide skilled solar workers and shall require the contractor to advertise locally for available jobs, notify the training programs of job availability, all in conjunction with normal hiring practices of the contractor. The project operator shall submit a letter detailing the hiring efforts, prior to commencement of construction

(7) **Prior to the issuance of building permits, the applicant shall submit documentation of the following:**

(a) Solar panel support/foundation structures shall be constructed in such a way as to minimize the potential to entrap animals. Detailed schematic drawings depicting the solar panel support/foundation structures to be used on site shall be submitted for approval by the Planning and Natural Resources Director.

(8) <u>Prior to final occupancy approval</u>, the following conditions shall be verified by the building inspector and shall be continuously maintained while this permit is active:

- (a) The following improvements shall comply with requirements of the County of Kern Public Works Department/Building and Development Division and shall be accomplished at no cost to the County and by encroachment permit issued by the Director of the Public Works Department/Building and Development Division:
 - 1. Under encroachment permit, issued by County of Kern Public Works Department/ Building and Development Division, construct paved private road approaches at locations to be approved by the Public Works Department. This does not constitute approval of the location shown on the plans.
- (b) All easements shall be kept open, clear, and free from buildings and structures of any kind pursuant to Chapters 18.50 and 18.55 of the Kern County Land Division Ordinance. All obstructions, including utility poles and lines, trees, pole signs, or similar obstructions, shall be removed from the ultimate road rights-of-way in accordance with Section 18.55.030 of the Land Division Ordinance. Compliance with this requirement is the responsibility of the applicant and may result in significant financial expenditures.
- (c) All storage and pressure tanks shall be painted an earthen hue color.
- (d) All vehicle parking and maneuvering areas shall be treated in a manner to continuously prevent blowing dust.
- (e) All signs shall be approved by the Director of the Kern County Planning and Natural Resources Department prior to installation.
- (f) The areas devoted to outside storage shall be treated with a dust binder or other dust control measure, as approved by the Director of the Kern County Planning and Natural Resources Department.

(9) The property owner shall continuously comply with the following conditions of approval during implementation of this permit:

- (a) The development shall comply with any requirements of the Eastern Kern Air Pollution Control District.
- (b) If any previously unknown oil, gas or injection wells are discovered, work in the area of discovery shall be stopped and the Department of Conservation/Division of Oil, Gas, and Geothermal Resources/Bakersfield office contacted by the project proponent to obtain information on the

requirements of, and approval to perform, remedial operations implemented prior to resumption of work in the area of discovery.

- (c) If any previously unknown archaeological or cultural resources are discovered, work in the area of discovery shall be stopped and a qualified archaeologist contacted to evaluate the find. A copy of the archaeologist's evaluation shall be submitted to the Kern County Planning and Natural Resources Development Department upon its issuance and any measures recommended by the archaeologist shall be implemented prior to resumption of work in the area of discovery.
- (d) All exterior lighting shall be directed away from adjacent properties and roads. When lighting will be visible from a residential district or adjacent public roads, the lighting fixtures shall be equipped with glare shields or baffles to reduce light trespass onto adjacent properties and shall not exceed 25 feet in height above grade. Light fixtures shall be maintained in sound operating conditions at all times. A lighting plan, including glare shield details, shall be submitted and approved by the Kern County Planning and Natural Resources Department.
- (10) All signs shall comply with the signage regulations of the applicable base zone district and with Chapter 19.84 and Chapter 19.81.040(h) of the Zoning Ordinance.
- (11) During all on-site grading and construction activities, adequate measures shall be implemented to control fugitive dust.
- (12) For portions of the project that abut residentially zoned parcels, an Additional Aesthetics Setback of 100 feet shall be required from the project property boundary line, which includes the centerline of any public roadway. If a public roadway does not exist between the project site and the residentially zoned property, the 100 foot setback shall be measured from the edge of the shared property line. The project proponent shall be responsible for continued dust controls and weed maintenance within this additional aesthetic setback area. No solar panels, substations or operating equipment shall be located in and or stored in the identified setback area.
- (13) All used oil (as defined in Section 25250.1 of the California Health and Safety Code) shall be disposed of in accordance with all local, State, and federal regulations following consultation with the Kern County Public Health Services Department/Environmental Health Division/Hazardous Materials Section, State of California Department of Health Services, and the Environmental Protection Agency. All used oil and other wastes shall be transported by a registered waste hauler.
- (14) This permit shall become null and void if the use authorized has not been activated within a five-year period of time of the approval of said permit, unless an extension of time has been granted by the decision-making authority, upon written request before expiration of the five- (5-) year period.
- (15) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of the Ordinance Code.
- (16) At the time building permits are applied for, a filing fee of \$130 may be imposed to ensure that final plans are consistent with adopted conditions of approval. This fee may serve as an initial deposit for particularly complex cases, in which case a cost recovery agreement will be required and charges will be billed at \$100 per hour; and
- (c) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance

with Section 19.102.020 of said Ordinance Code; and

(d) The findings of this Commission upon which its decision is based are as follows:

CUP #3, Map #152-28 March 14, 2018

- (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
- (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Supplemental Environmental Impact Report, and the Planning Commission makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Commission acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby recommends the Board of Supervisors adopt a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Supplemental Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Supplemental Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.
- (4) Pursuant to CEQA Section 15074.1, implementation of the proposed clarification to mitigation measure would not result in any new significant environmental impacts. A public hearing has been held that identified the proposed clarification as required. It is the Lead Agency's determination the implementation of the proposed clarifications are considered equivalent and more effective towards the mitigation of impacts and are in full compliance with CEQA.
- (5) The proposed use is consistent with the goals and policies of the Kern County General Plan.
- (6) The proposed use is consistent with the purpose of the applicable district or districts.
- (7) The proposed use is listed as a use subject to a conditional use permit in the applicable zoning district or districts or a use determined to be similar to a listed conditional use in accordance with the procedures set out in Section 19.08.030.
- (8) The project is located within the A (Exclusive Agriculture) District. The purpose of the Exclusive Agriculture (A) District is to designate areas that are suitable for agricultural uses and prevent the encroachment of incompatible uses onto agricultural lands and the premature conversion of such lands to nonagricultural uses. Solar electrical generation facilities are considered to be compatible with ongoing agricultural activity.
- (9) Permitted land uses in the A (Exclusive Agriculture) District include agricultural uses, commercial uses, and uses related to utility lines and substations, resource extraction, and energy development. Miscellaneous accessory structures that are related to the permitted uses are also allowed. Pursuant to Section 19.12.030.G of the Kern County Zoning Ordinance, solar facilities are permitted with approval of a Conditional Use Permit.
- (10) The proposed use meets the minimum requirements of this title applicable to the use and complies with all other applicable laws, ordinances, and regulations of the County of Kern and the State of California.
- (11) The proposed use will not be materially detrimental to the health, safety, and welfare of the public or to property and residents in the vicinity.

- (12) Approval of the requested Conditional Use Permit is consistent with continuing the Board of Supervisors' adopted alternative energy goal because it will help facilitate the construction of a renewable energy project.
- (13) Implementation of the proposed conditional use permit will facilitate development of a 500 megawatts solar photovoltaic facility. This use is consistent with existing rural residential character of Western Antelope Valley and implementation of the proposed project is compatible with existing residential uses and surrounding approved solar facilities within the project vicinity.
- (14) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the County Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made; and
- (e) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:

Eland 1 Solar Project by 68SF 8me, LLC (PP18211) (applicant) (1) LiUNA (1) File (3)

cc